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Cumulative Index 1972 to 2000

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Bromley v. H. & J. Quick Ltd. [1988] I.C.R. 47, 623
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Brookes v. Borough Care Services Ltd. [1998] I.C.R. 1198
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Brooks v. J. & P. Coates (U.K.) Ltd. [1984] I.C.R. 158
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Brown v. Southall & Knight [1980] I.C.R. 617
Brown v. Stuart Scott & Co. [1981] I.C.R. 166
Brownson v. Hire Service Shops Ltd. [1978] I.C.R. 517
Brown's Cycles Ltd. v. Brindley [1978] I.C.R. 467
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Buchanan-Smith v. Schleicher & Co. International Ltd. [1996] I.C.R. 613

Buck v. English Electric Co. Ltd. [1977] I.C.R. 629
Budgen & Co. v. Thomas [1976] I.C.R. 344
Building Employers Confederation's Application, *In re* [1985] I.C.R. 167
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Bullivant (Roger) Ltd. v. Ellis [1987] I.C.R. 464
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Burke v. Royal Liverpool University Hospital N.H.S. Trust [1997] I.C.R. 730
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Burnett v. Value Travel Agency Ltd. [1989] I.C.R. 79
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Burton v. British Railways Board (Case 91/81) [1982] I.C.R. 329
Burton v. British Railways Board (Note) [1983] I.C.R. 544
Burton v. De Vere Hotels Ltd. [1997] I.C.R. 1
Burton v. Field Sons & Co. Ltd. [1977] I.C.R. 106
Burton, Allton & Johnson Ltd. v. Peck [1975] I.C.R. 193
Business Seating (Renovations) Ltd. v. Broad [1989] I.C.R. 729
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CEGB v. Coleman [1973] I.C.R. 230
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Cadbury Ltd. v. Doddington [1977] I.C.R. 982
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Caisse Primaire d'Assurance Maladie de Selestat v. Association du Foot-ball Club d'Andlau (Case 8/75) [1975] I.C.R. 412
Calder v. H. Kitson Vickers & Sons (Engineers) Ltd. [1988] I.C.R. 232
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Caledonian Mining Co. Ltd. v. Bassett [1987] I.C.R. 425
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Carr v. British International Helicopters Ltd. [1994] I.C.R. 18
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Carrington v. Helix Lighting Ltd. [1990] I.C.R. 125
Carrington v. Therm-A-Stor Ltd. [1982] I.C.R. 8; [1983] I.C.R. 208

Carry All Motors Ltd. v. Pennington [1980] I.C.R. 806
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Casella London Ltd. v. Banai [1990] I.C.R. 215
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Chant v. Aquaboats Ltd. [1978] I.C.R. 643
Chaplin v. H. J. Rawlinson Ltd. [1991] I.C.R. 553
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Chief Adjudication Officer v. Faulds [2000] I.C.R. 1297
Chief Adjudication Officer v. Hogg [1985] I.C.R. 804
Chief Adjudication Officer v. Rhodes [1999] I.C.R. 178
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Chief Constable of West Yorkshire Police v. Khan [2000] I.C.R. 1169
Chief Supplementary Benefit Officer v. Cunningham [1985] I.C.R. 660
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Chrysler United Kingdom Ltd. v. McCarthy [1978] I.C.R. 939
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Churchill v. A. Yeates & Sons Ltd. [1983] I.C.R. 380
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Clarke v. Heathfield (No. 2) [1985] I.C.R. 606
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Colonial Mutual Life Assurance Society Ltd. v. Clinch [1981] I.C.R. 752
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Commission for Racial Equality v. Prestige Group Plc. [1984] I.C.R. 473
Commission of the European Communities v. Hellenic Republic (Case C-187/96) [1998] I.C.R. 1249
Commission of the European Communities v. United Kingdom (Cases C-382/92, C-383/92) [1994] I.C.R. 664
Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 61/81) [1982] I.C.R. 578
Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 165/82) [1984] I.C.R. 192
Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 207/83) [1985] I.C.R. 714
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Comr. of Police of the Metropolis v. Lowrey-Nesbitt [1999] I.C.R. 401
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Council of Engineering Institutions v. Maddison [1977] I.C.R. 30
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Department of Health and Social Security v. Sloan [1981] I.C.R. 313
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Dexine Rubber Co. Ltd. v. Alker [1977] I.C.R. 434
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Digital Equipment Co. Ltd. v. Clements [1996] I.C.R. 829
Digital Equipment Co. Ltd. v. Clements (No. 2) [1997] I.C.R. 237; [1998] I.C.R. 258
Dillett v. National Coal Board [1988] I.C.R. 218
Dimbleby & Sons Ltd. v. National Union of Journalists [1984] I.C.R. 386
Dimskal Shipping Co. S.A. v. International Transport Workers Federation [1990] I.C.R. 694; [1992] I.C.R. 37

Dines v. Initial Healthcare Services [1993] I.C.R. 978; [1995] I.C.R. 11
Din (Ghulam) v. Carrington Viyella Ltd. (Jersey Kapwood Ltd.) [1982] I.C.R. 256
Diocese of Hallam Trustee v. Connaughton [1996] I.C.R. 860
Director General of Fair Trading v. Institute of Independent Insurance Brokers. *See* Agreement between Members of the Institute of Independent Insurance Brokers, *In re*
Director General of Fair Trading v. Pioneer Concrete (U.K.) Ltd. *See* Supply of Ready Mixed Concrete (No. 2), *In re*
Director of Public Prosecutions v. Marshall [1998] I.C.R. 518
Discount Tobacco & Confectionery Ltd. v. Armitage (Note) [1995] I.C.R. 431
Discount Tobacco & Confectionery Ltd. v. Williamson [1993] I.C.R. 371
Divine-Bortey v. Brent London Borough Council [1998] I.C.R. 886
Dixon v. British Broadcasting Corpn. [1978] I.C.R. 357; [1979] I.C.R. 281
Dixon v. Rees [1994] I.C.R. 39
Dixon v. Stenor Ltd. [1973] I.C.R. 157
Dixon v. West Ella Developments Ltd. [1978] I.C.R. 856
Dixon v. Wilson Walton Engineering Ltd. [1979] I.C.R. 438
Dobie v. Burns International Security Services (U.K.) Ltd. [1983] I.C.R. 478; [1984] I.C.R. 812
Docherty v. Reddy [1977] I.C.R. 365
Dodd v. British Telecommunications Plc. [1988] I.C.R. 116
Donelan v. Kerrby Construction Ltd. [1983] I.C.R. 237
Donnelly v. Feniger & Blackburn Ltd. [1973] I.C.R. 68
Dorber v. London Brick Co. Ltd. [1974] I.C.R. 270
Dowuona v. John Lewis Plc. [1986] I.C.R. 797; [1987] I.C.R. 788
Doyle v. Northumbria Probation Committee [1992] I.C.R. 121
Draehmpaehl v. Urania Immobilienservice o.h.G. (Case C-180/95) [1998] I.C.R. 164
Drage v. Governing Body of Greenford High School [2000] I.C.R. 899
Drakard (P. J.) & Sons Ltd. v. Wilton [1977] I.C.R. 642
Drake v. Morgan [1978] I.C.R. 56
Drew v. St. Edmunsbury Borough Council [1980] I.C.R. 513
Drinkwater Sabey Ltd. v. Burnett [1995] I.C.R. 328
Driver v. Cleveland Structural Engineering Co. Ltd. [1994] I.C.R. 372
Drym Fabricators Ltd. v. Johnson [1981] I.C.R. 274
Duff v. Evan Thomas Radcliffe & Co. Ltd. [1979] I.C.R. 720
Duffin v. Secretary of State for Employment [1983] I.C.R. 766
Duffy v. Yeomans & Partners Ltd. [1993] I.C.R. 862; [1995] I.C.R. 1
Dugdale v. Kraft Foods Ltd. [1977] I.C.R. 48
Duke v. Prospect Training Services Ltd. [1988] I.C.R. 521
Duke v. Reliance Systems Ltd. [1982] I.C.R. 449; [1987] I.C.R. 491; [1988] I.C.R. 339
Dunlop Ltd. v. Farrell [1993] I.C.R. 885
Dunn v. British Coal Corporation [1993] I.C.R. 591
Dunning (A. J.) & Sons (Shopfitters) Ltd. v. Jacomb [1973] I.C.R. 448
Duport Furniture Products Ltd. v. Moore [1979] I.C.R. 165; [1980] I.C.R. 581; [1982] I.C.R. 84
Duport Steels Ltd. v. Sirs [1980] I.C.R. 161
Dutton & Clarke Ltd. v. Daly [1985] I.C.R. 780
Dutton v. Hawker Siddeley Aviation Ltd. [1978] I.C.R. 1057
Dutton v. Nottinghamshire Combined Police Authority [1974] I.C.R. 170
Dyke v. Hereford and Worcester County Council [1989] I.C.R. 800

ECM (Vehicle Delivery Service) Ltd. v. Cox [1998] I.C.R. 631; [1999] I.C.R. 1162
ESU v. CEGB [1972] I.C.R. 418
Eagle Star Insurance Co. Ltd. v. Hayward [1981] I.C.R. 860
Ealing Hammersmith and Hounslow Family Health Services Authority v. Shukla [1993] I.C.R. 710
Earl v. Slater & Wheeler (Airlyne) Ltd. [1972] I.C.R. 508
Early (Charles) & Marriott (Witney) Ltd. v. Smith [1977] I.C.R. 700
East, *Ex parte. See* Reg. v. National Insurance Comr., *Ex parte* East
East African Airways Corpn. v. Foote [1977] I.C.R. 776
East Berkshire Health Authority v. Matadeen [1992] I.C.R. 723
East Lindsey District Council v. Daubney [1977] I.C.R. 566
East Suffolk Local Health Services N.H.S. Trust v. Palmer [1997] I.C.R. 425
East Yorkshire Aluminium & Glass Ltd. v. Construction Industry Training Board [1986] I.C.R. 394
Eaton v. R.K.B. (Furmston) Ltd. [1972] I.C.R. 273
Eaton v. Robert Eaton Ltd. [1988] I.C.R. 302
Eaton Ltd. v. Nuttall [1977] I.C.R. 272
Ebac Ltd. v. Wymer [1995] I.C.R. 466

Eckman v. Midland Bank Ltd. [1973] I.C.R. 71
Eden v. Humphries & Glasgow Ltd. [1981] I.C.R. 183
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Edgson v. Vickers Plc. [1994] I.C.R. 510
Edmonds v. Lawson [2000] I.C.R. 567
Edwards v. Derby City Council [1999] I.C.R. 114
Edwards v. Peter Black Healthcare (Southern) Ltd. [2000] I.C.R. 120
Egg Stores (Stamford Hill) Ltd. v. Leibovici [1977] I.C.R. 260
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Elliot v. Richard Stump Ltd. [1987] I.C.R. 579
Elliott v. Director General of Fair Trading [1980] I.C.R. 629
Elliott v. University Computing Co. (Great Britain) Ltd. [1977] I.C.R. 147
Elliott Turbomachinery Ltd. v. Bates [1981] I.C.R. 218
Ellis v. Ministry of Defence [1985] I.C.R. 257
Elmi v. Harrods Ltd. *See* Harrods Ltd. v. Remick
Eloc Electro-Optieck and Communicatie B.V., *In re* [1981] I.C.R. 732
Eltek (UK) Ltd. v. Thomson [2000] I.C.R. 689
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Emmott v. Minister for Social Welfare (Case C 208/90) [1993] I.C.R. 8
Enderby v. Frenchay Health Authority [1991] I.C.R. 382
Enderby v. Frenchay Health Authority (Case C-127/92) [1994] I.C.R. 112
Enderby v. Frenchay Health Authority (No. 2) [2000] I.C.R. 612
Engineers and Managers' Association v. Advisory, Conciliation and Arbitration Service [1978] I.C.R. 875; [1979] I.C.R. 637; [1980] I.C.R. 215
England v. British Telecommunications Plc. [1990] I.C.R. 248; [1993] I.C.R. 644
England v. Bromley London Borough Council [1978] I.C.R. 1
Enterprise Glass Co. Ltd. v. Miles [1990] I.C.R. 787
Equal Opportunities Commission, *Ex parte. See* Reg. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission; Reg. v. Secretary of State for Social Security, *Ex parte* Equal Opportunities Commission (Case C-9/91)
Esterman v. National and Local Government Officers Association [1974] I.C.R. 625
Estorffe v. Smith [1973] I.C.R. 542
Etherson v. Strathclyde Regional Council [1992] I.C.R. 579
Eurobell Holdings Plc. v. Barker [1998] I.C.R. 299
Evans v. Comr. of Police of the Metropolis [1993] I.C.R. 151
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Evenden v. Guildford City Association Football Club Ltd. [1974] I.C.R. 555; [1975] I.C.R. 367
Evening Standard Co. Ltd. v. Henderson [1987] I.C.R. 588
Everest (Executors of J. F.) v. Cox [1980] I.C.R. 415
Everson v. Secretary of State for Trade and Industry (Case C-198/98) [2000] I.C.R. 525
Everwear Candlewick Ltd. v. Isaac [1974] I.C.R. 525
Evesham v. North Hertfordshire Health Authority. *See* Enderby v. Frenchay Health Authority (No. 2)
Express Lift Co. Ltd. v. Bowles [1977] I.C.R. 474
Express Newspapers Ltd. v. McShane [1979] I.C.R. 210; [1980] I.C.R. 42
Express & Echo Publications Ltd. v. Tanton [1999] I.C.R. 693
Express & Star Ltd. v. Bunday [1987] I.C.R. 58; [1988] I.C.R. 379
Express & Star Ltd. v. National Graphical Association (1982) [1986] I.C.R. 589
Expro Services Ltd. v. Smith [1991] I.C.R. 577

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Farnsworth (F.W.) Ltd. v. McCoid [1999] I.C.R. 1047
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Feldman v. NAAFI [1974] I.C.R. 258
Fentiman v. Fluid Engineering Products Ltd. [1991] I.C.R. 570
Fenton v. Stablegold Ltd. [1986] I.C.R. 236
Ferguson v. Gateway Training Centre Ltd. [1991] I.C.R. 658

Fernandez v. Instituto Nacional de Empleo (Case C-102/95). *See* Martinez Losada v. Instituto Nacional de Empleo (Case C-88/95)
Ferodo Ltd. v. Barnes [1976] I.C.R. 439
Ferodo Ltd. v. Bradbury [1990] I.C.R. 209
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Firestone Tyre & Rubber Co. Ltd. v. Challoner [1978] I.C.R. 175
First Castle Electronics Ltd. v. West [1989] I.C.R. 72
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Fisher v. York Trailer Co. Ltd. [1979] I.C.R. 834
Fisscher v. Voorhuis Hengelo B.V. (Case C-128/93). *See* Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93)
Fitzpatrick v. British Railways Board [1990] I.C.R. 674; [1992] I.C.R. 221
Flack v. Kodak Ltd. [1985] I.C.R. 820; [1986] I.C.R. 775
Fletcher v. Midland Bank Plc. *See* Preston v. Wolverhampton Healthcare N.H.S.; Preston v. Wolverhampton Healthcare N.H.S. Trust (Case C-78/98)
Flint v. Eastern Electricity Board [1975] I.C.R. 395
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Folami v. Nigerline (U.K.) Ltd. [1978] I.C.R. 277
Foley v. Post Office [2000] I.C.R. 1283
Ford v. Stakis Hotels & Inns Ltd. [1987] I.C.R. 943
Ford v. Warwickshire County Council [1982] I.C.R. 520; [1983] I.C.R. 273
Ford Motor Co. Ltd. v. Hudson [1978] I.C.R. 482
Ford Motor Co. Ltd. v. Nawaz [1987] I.C.R. 434
Forex Neptune (Overseas) Ltd. v. Miller [1987] I.C.R. 170
Forgings & Presswork Ltd. v. McDougall [1974] I.C.R. 532
Foster v. British Gas Plc. [1987] I.C.R. 52, 904; [1988] I.C.R. 584; [1991] I.C.R. 463
Foster v. British Gas Plc. (Case C-188/89) [1991] I.C.R. 84
Foster v. South Glamorgan Health Authority [1988] I.C.R. 526
Foster Wheeler (London) Ltd. v. Jackson [1990] I.C.R. 757
Fougère v. Phoenix Motor Co. Ltd. [1976] I.C.R. 495
Fowler v. Faccenda Chicken Ltd. [1986] I.C.R. 297
Fox v. C. Wright (Farmers) Ltd. [1978] I.C.R. 98
Fox Brothers (Clothes) Ltd. v. Bryant [1979] I.C.R. 64
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Francovich v. Italian Republic (Cases C-6 and 9/90) [1995] I.C.R. 722
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Freemans Plc. v. Flynn [1984] I.C.R. 874
Freud v. Bentalls Ltd. [1983] I.C.R. 77
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Frost v. Chief Constable of South Yorkshire Police [1999] I.C.R. 216
Fry v. Foreign and Commonwealth Office [1997] I.C.R. 512
Fyfe v. Scientific Furnishings Ltd. [1989] I.C.R. 648

G.E.C. Machines Ltd. v. Gilford [1982] I.C.R. 725
G.K.N. (Cwymbran) Ltd. v. Lloyd [1972] I.C.R. 214
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GMB v. Man Truck & Bus U.K. Ltd. [2000] I.C.R. 1324
Gale (B. G.) Ltd. v. Gilbert [1978] I.C.R. 1149
Gallagher v. Wragg [1977] I.C.R. 174
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Gayle v. John Wilkinson & Sons (Saltley) Ltd. [1978] I.C.R. 154
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General and Municipal Workers' Union v. Certification Officer [1977] I.C.R. 183
General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union [1974] I.C.R. 35; [1975] I.C.R. 276; [1985] I.C.R. 615
General Council of British Shipping v. Deria [1985] I.C.R. 198
General Electric Co. Ltd. v. Price Commission [1974] I.C.R. 609; [1975] I.C.R. 1

General Engineering Services Ltd. v. Kingston and St. Andrew Corpn. [1989] I.C.R. 88
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Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502
Gerster v. Freistaat Bayern (Case C-1/95) [1998] I.C.R. 318
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Gilbert v. I. Goldstone Ltd. [1977] I.C.R. 36
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Gilham v. Kent County Council (No. 2) [1985] I.C.R. 233
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Gill v. Harold Andrews Sheepbridge Ltd. [1974] I.C.R. 294
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Glasgow City Council v. Marshall [2000] I.C.R. 196
Glasgow City Council v. Zafar [1998] I.C.R. 120
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Goad v. AUEW [1972] I.C.R. 429
Goad v. AUEW (No. 2) [1973] I.C.R. 42
Goad v. AUEW (No. 3) [1973] I.C.R. 108
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Gomilsek v. Haringey London Borough Council. *See* Nabadda v. Westminster City Council
Goodeve v. Gilsons [1985] I.C.R. 401
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Graham v. Secretary of State for Social Security (Case C-92/94) [1996] I.C.R. 258
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Grantham Journal Co. Ltd. v. Wade [1979] I.C.R. 664
Gray v. Grimsby Town Football Club Ltd. [1979] I.C.R. 364
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Griffiths v. Buckinghamshire County Council [1994] I.C.R. 265
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Grundy (Teddington) Ltd. v. Plummer [1983] I.C.R. 367
Grundy (Teddington) Ltd. v. Willis [1976] I.C.R. 323

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H.T.V. Ltd. v. Price Commission [1976] I.C.R. 170
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HSBC Bank Plc. (formerly Midland Bank Plc.) v. Madden. *See* Foley v. Post Office
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Haddon v. Van den Bergh Foods Ltd. [1999] I.C.R. 1150
Haddow v. Inner London Education Authority [1979] I.C.R. 202
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Hall v. Lorimer [1992] I.C.R. 739; [1994] I.C.R. 218
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Hallam v. Avery [2000] I.C.R. 583
Hamlet v. General Municipal Boilermakers and Allied Trades Union [1987] I.C.R. 150
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Hammersmith and Fulham London Borough Council v. Ladejobi [1999] I.C.R. 673
Hammersmith and Queen Charlotte's Special Health Authority v. Cato [1988] I.C.R. 132
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Handels-og Kontorfunktionærernes Forbund i Danmark v. Dansk Arbejdsgiverforening (Case 179/88) [1992] I.C.R. 332
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Hanks v. Ace High Productions Ltd. [1978] I.C.R. 1155
Hanseatic Ship Management Ltd. v. International Transport Workers Federation [1974] I.C.R. 112
Hanson v. Fashion Industries (Hartlepool) Ltd. [1981] I.C.R. 35
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Harford v. Swiftrim Ltd. [1987] I.C.R. 439
Harper v. North-West Water Authority [1978] I.C.R. 844
Harris v. Courage (Eastern) Ltd. [1981] I.C.R. 496; [1982] I.C.R. 530
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Hart v. A. R. Marshall & Sons (Bulwell) Ltd. [1977] I.C.R. 539
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Harvey v. Port of Tilbury (London) Ltd. [1999] I.C.R. 1030

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Hayward v. Cammell Laird Shipbuilders Ltd. [1985] I.C.R. 71
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Health Computing Ltd. v. Meek [1981] I.C.R. 24
Heasmans v. Clarity Cleaning Co. Ltd. [1987] I.C.R. 949
Heath v. J. F. Longman (Meat Salesmen) Ltd. [1973] I.C.R. 407
Heatons Transport (St. Helens) Ltd. v. TGWU (Interim Proceedings) [1972] I.C.R. 285
Heatons Transport (St. Helens) Ltd. v. TGWU [1972] I.C.R. 308
Hebbes v. Rank Precision Industries Ltd. [1978] I.C.R. 489
Hebden v. Forsey & Son [1973] I.C.R. 607
Heinz (H.J.) Co. Ltd. v. Kenrick [2000] I.C.R. 491
Hellyer Brothers Ltd. v. McLeod [1986] I.C.R. 122; [1987] I.C.R. 526
Hempell v. W.H. Smith & Sons Ltd. [1986] I.C.R. 365
Henke v. Gemeinde Schierke (Case C-298/94) [1997] I.C.R. 746
Hennessy v. Craigmyle & Co. Ltd. [1985] I.C.R. 879; [1986] I.C.R. 461
Henry v. Ellerman Lines Plc. [1985] I.C.R. 57
Hereford and Worcester County Council v. Craske [1976] I.C.R. 450
Hereford and Worcester County Council v. Tolley [1976] I.C.R. 450
Heron Corpn. Ltd. v. Commis [1980] I.C.R. 713
Herzog v. Arbeiter-Samariter-Bund Landesverband Hamburg e.V. (Case C-425/92). *See* Stadt Lengerich v. Helmig (Case C-399/92)
Hetton Victory Club Ltd. v. Swainston [1983] I.C.R. 139, 341
Hewcastle Catering Ltd. v. Ahmed [1992] I.C.R. 626
Hewcastle Catering Ltd. v. Elkamah. *See* Hewcastle Catering Ltd. v. Ahmed
Hewett v. Alf Brown's Transport Ltd. [1991] I.C.R. 471; [1992] I.C.R. 530
Hicking v. Basford Group Ltd. *See* Levez v. T. H. Jennings (Harlow Pools) Ltd.
Higgs & Hill Ltd. v. Singh [1977] I.C.R. 193
High Table Ltd. v. Horst [1998] I.C.R. 409
Highland Fabricators Ltd. v. McLaughlin [1985] I.C.R. 183
Hill v. James Crowe (Cases) Ltd. [1978] I.C.R. 298
Hill v. Revenue Comrs. (Case C-243/95) [1999] I.C.R. 48
Hill v. Sabco Houseware (U.K.) Ltd. [1977] I.C.R. 888
Hillingdon Area Health Authority v. Kauders [1979] I.C.R. 472
Hilti (Great Britain) Ltd. v. Windridge [1974] I.C.R. 352
Hilton International Hotels (U.K.) Ltd. v. Faraji [1994] I.C.R. 259
Hilton International Hotels (U.K.) Ltd. v. Kaissi [1994] I.C.R. 578
Himpfen v. Allied Records Ltd. [1978] I.C.R. 684
Hindes v. Supersine Ltd. [1979] I.C.R. 517
Hindle Gears Ltd. v. McGinty [1985] I.C.R. 111
Hinkley & Bosworth Borough Council v. Ainscough [1979] I.C.R. 590
Hipwood v. Gloucester Health Authority [1995] I.C.R. 999
Hitcheock v. Post Office [1980] I.C.R. 100
Hobson v. G.E.C. Telecommunications Ltd. [1985] I.C.R. 777
Hodges v. Probert [1976] I.C.R. 95
Hofmann v. Barmer Ersatzkasse (Case 184/83) [1985] I.C.R. 731
Hogg v. Dover College [1990] I.C.R. 39
Holland v. Cyprane Ltd. [1977] I.C.R. 355
Holland v. Glendale Industries Ltd. [1998] I.C.R. 493
Hollister v. National Farmers' Union [1978] I.C.R. 712; [1979] I.C.R. 542
Holtby v. Brigham & Cowan (Hull) Ltd. [2000] I.C.R. 1086
Homan v. A1 Bacon Co. Ltd. [1996] I.C.R. 721
Home Counties Dairies Ltd. v. Woods [1977] I.C.R. 463
Home Delivery Services Ltd. v. Shackcloth [1985] I.C.R. 147
Home Office v. Ayres [1992] I.C.R. 175
Home Office v. Bose [1979] I.C.R. 481
Home Office v. Holmes [1984] I.C.R. 678
Home Office v. Robinson [1982] I.C.R. 31
Honeyrose Products Ltd. v. Joslin [1981] I.C.R. 317
Hoover Ltd. v. Forde [1980] I.C.R. 239

Hopkins v. National Union of Seamen [1985] I.C.R. 268
Hopkins v. Norcros Plc. [1993] I.C.R. 338; [1994] I.C.R. 11
Hopkins v. Shepherd & Partners. *See* Dixon v. Rees
Horizon Holidays Ltd. v. Grassi [1987] I.C.R. 851
Horrigan v. Lewisham London Borough Council [1978] I.C.R. 15
Horsey v. Dyfed County Council [1982] I.C.R. 755
Horsley Smith & Sherry Ltd. v. Dutton [1977] I.C.R. 594
Hotson v. Wisbech Conservative Club [1984] I.C.R. 859
Hough v. Leyland DAF Ltd. [1991] I.C.R. 696
House v. Emerson Electric Industrial Controls [1980] I.C.R. 795
Housing Corpn. v. Bryant [1999] I.C.R. 123
Housing Services Agency v. Cragg [1997] I.C.R. 1050
Houston v. Lightwater Farms Ltd. [1990] I.C.R. 502
Howard v. Department for National Savings [1979] I.C.R. 584; [1981] I.C.R. 208
Howard v. Governors of Brixington Infants School [1999] I.C.R. 1096
Howard v. Ministry of Defence [1995] I.C.R. 1074
Howard v. National Graphical Association [1985] I.C.R. 101
Howitt Transport Ltd. v. TGWU [1973] I.C.R. 1
Howle v. G.E.C. Power Engineering Ltd. [1974] I.C.R. 13
Howman & Son v. Blyth [1983] I.C.R. 416
Hubbard v. Pitt [1975] I.C.R. 77, 308
Hughes, *Ex parte. See* Reg. v. Deputy Chief Constable of the North Wales Constabulary, *Ex parte* Hughes
Hughes v. Department of Health and Social Security [1984] I.C.R. 557; [1985] I.C.R. 419
Hughes v. Greenwich London Borough Council [1994] I.C.R. 48
Hughes v. Gwynedd Area Health Authority [1978] I.C.R. 161
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Humphreys v. Board of Managers of St. George's Church of England (Aided) Primary School [1978] I.C.R. 546
Humphreys v. University of Oxford [2000] I.C.R. 405
Hunt v. Broome [1973] I.C.R. 281; [1974] I.C.R. 84
Hunter v. British Coal Corpn. [1999] I.C.R. 72
Hurley v. Mustoe [1981] I.C.R. 490
Hurley v. Mustoe (No. 2) [1983] I.C.R. 422
Hussain v. J. H. Walker Ltd. *See* Walker (J. H.) Ltd. v. Hussain
Hussain v. New Taplow Paper Mills Ltd. [1987] I.C.R. 28; [1988] I.C.R. 259
Hutchings v. Islington London Borough Council [1998] I.C.R. 1230
Hutchison v. Westward Television Ltd. [1977] I.C.R. 279
Hyland v. J. H. Barker (North West) Ltd. [1985] I.C.R. 861
Hyland v. R.T.Z. (Barium Chemicals) Ltd. [1975] I.C.R. 54

IMI Yorkshire Imperial Ltd. v. Olender (Note) [1982] I.C.R. 69
I.P.C. Business Press Ltd. v. Gray [1977] I.C.R. 858
I.P.C. Magazines Ltd. v. Wade [1979] I.C.R. 664
I.T.T. Components Group (Europe) v. Kolah [1977] I.C.R. 740
Iberian U.K. Ltd. v. B.P.B. Industries Plc. [1997] I.C.R. 164
Ibex Trading Co. v. Walton [1994] I.C.R. 907
Iceland Frozen Foods Ltd. v. Jones [1983] I.C.R. 17
Ideal Casements Ltd. v. Shamsi [1972] I.C.R. 408
Igbo v. Johnson, Matthey Chemicals Ltd. [1986] I.C.R. 82, 505
Iggesund Converters Ltd. v. Lewis [1984] I.C.R. 544
Immigration Advisory Service v. Oommen [1997] I.C.R. 683
Imperial Group Pension Trust Ltd. v. Imperial Tobacco Ltd. [1991] I.C.R. 524
Imperial Metal Industries (Kynoch) Ltd. v. Amalgamated Union of Engineering Workers (Technical, Administrative and Supervisory Section) [1979] I.C.R. 23
Independent Research Services Ltd. v. Catterall [1993] I.C.R. 1
Ingram v. Foxon [1984] I.C.R. 685
Inner London Education Authority v. Nash [1979] I.C.R. 229
Institute of the Motor Industry v. Harvey [1992] I.C.R. 470
Insurance Officer, *Ex parte. See* Reg. v. National Insurance Comr., *Ex parte* Insurance Officer
International Aviation Services (U.K.) Ltd. v. Jones [1979] I.C.R. 371
International Paint Co. Ltd. v. Cameron [1979] I.C.R. 429
Ioannou v. B.B.C. [1974] I.C.R. 414

Irani v. Southampton and South West Hampshire Health Authority [1985] I.C.R. 590
Ironsides Ray & Vials v. Lindsay. *See* Lindsay v. Ironsides Ray & Vials
Isleworth Studies Ltd. v. Rickard [1988] I.C.R. 432
Ivory v. Palmer [1975] I.C.R. 340

J.J.B. (Sports) Ltd. v. Milbro Sports Ltd. [1975] I.C.R. 73
J.J.B. (Sports) Ltd. v. Richard Forshaw & Co. Ltd. *See* J.J.B. (Sports) Ltd. v. Milbro Sports Ltd.
J.M.C.C. Holdings Ltd. v. Conroy [1990] I.C.R. 179
Jackson v. British Gas Corpn. [1983] I.C.R. 351
Jacobs v. Norsalta Ltd. [1977] I.C.R. 189
Jacques v. Amalgamated Union of Engineering Workers (Engineering Section) [1986] I.C.R. 683
Jacquet v. Land Nordrhein-Westfalen (Case C-65/96). *See* Uecker v. Land Nordrhein-Westfalen (Case C-64/96)
Jagdeo v. Smiths Industries Ltd. [1982] I.C.R. 47
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James v. Waltham Holy Cross Urban District Council [1973] I.C.R. 398
Janata Bank v. Ahmed (Qutubuddin) [1981] I.C.R. 791
Janstorp International (U.K.) Ltd. v. Allen [1990] I.C.R. 779
Jarnell v. Department of the Environment [1984] I.C.R. 557; [1985] I.C.R. 419
Jayes v. I.M.I. (Kynoch) Ltd. [1985] I.C.R. 155
Jebson v. Ministry of Defence [2000] I.C.R. 1220
Jeetle v. Elster [1985] I.C.R. 389
Jeffries v. Lewis. *See* National Grid Co. Plc. v. Mayes
Jeffries v. Mayes. *See* National Grid Co. Plc. v. Mayes
Jenkins v. Kingsgate (Clothing Productions) Ltd. [1981] I.C.R. 715
Jenkins v. Kingsgate (Clothing Productions) Ltd. (Case 96/80) [1981] I.C.R. 592
Jenkins v. P. & O. European Ferries (Dover) Ltd. [1991] I.C.R. 652
Jennings v. National Coal Board [1983] I.C.R. 636
Jennings v. Salford Community Service Agency [1981] I.C.R. 399
John Michael Design Plc v. Cooke [1987] I.C.R. 445
Johns v. Martin Simms (Cheltenham) Ltd. [1983] I.C.R. 305
Johnson v. Baxter [1984] I.C.R. 675
Johnson v. Chief Adjudication Officer (Case C-31/90) [1993] I.C.R. 204
Johnson v. Chief Adjudication Officer (Case C-410/92) [1995] I.C.R. 375
Johnson v. Cross [1977] I.C.R. 872
Johnson v. Nottinghamshire Combined Police Authority [1974] I.C.R. 170
Johnson v. Ryan [2000] I.C.R. 236
Johnson v. Unisys Ltd. [1999] I.C.R. 809
Johnson Gibbons (London) Ltd. v. Jilani [1972] I.C.R. 124
Johnston v. Caddies Wainwright Ltd. [1983] I.C.R. 407
Johnston v. Chief Constable of the Royal Ulster Constabulary (Case 222/84) [1987] I.C.R. 83
Johnstone v. B.B.C. Enterprises Ltd. [1994] I.C.R. 180
Johnstone v. Bloomsbury Health Authority [1991] I.C.R. 269
Jones v. Aston Cabinet Co. Ltd. [1973] I.C.R. 292
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Jones v. Governing Body of Burdett Coutts School [1997] I.C.R. 390; [1999] I.C.R. 38
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Jones v. R. M. Douglas Construction Ltd. [1979] I.C.R. 278
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Jones v. Tower Boot Co. Ltd. [1997] I.C.R. 254
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Jowett (Angus) & Co. Ltd. v. National Union of Tailors and Garment Workers [1985] I.C.R. 646
Jules Dethier Equipement S.A. v. Dassy (Case C-319/94) [1998] I.C.R. 541
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Kalanke v. Freie Hansestadt Bremen (Case C-450/93) [1996] I.C.R. 314
Kane v. Raine & Co. Ltd. [1974] I.C.R. 300
Kapfunde v. Abbey National Plc. [1999] I.C.R. 1
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Keabeech Ltd. v. Mulcahy [1985] I.C.R. 791
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Kennedy v. Werneth Ring Mills Ltd. [1977] I.C.R. 206
Kenny v. Hampshire Constabulary [1999] I.C.R. 27
Kenny v. South Manchester College [1993] I.C.R. 934
Kenny v. Vauxhall Motors Ltd. [1983] I.C.R. 560; [1985] I.C.R. 535
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Kestongate Ltd. v. Miller [1986] I.C.R. 634
Ketley (A.) Ltd. v. Scott [1981] I.C.R. 241
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Khanna v. Ministry of Defence [1981] I.C.R. 653
Khanum v. Mid-Glamorgan Area Health Authority [1979] I.C.R. 40
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King v. Great Britain-China Centre [1992] I.C.R. 516
King v. Post Office [1973] I.C.R. 120
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Kingston v. British Railways Board [1982] I.C.R. 392; [1984] I.C.R. 781
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Kirklees Metropolitan Borough Council v. B. & Q. Plc. *See* Chisholm v. Kirklees Metropolitan Borough Council
Kirklees Metropolitan Borough Council v. Farrell [2000] I.C.R. 1335
Knight v. Attorney-General [1979] I.C.R. 194
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Koppel v. Guardian Royal Exchange Assurance Ltd. [1974] I.C.R. 216
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Kraft Foods Ltd. v. Fox [1978] I.C.R. 311
Kramer v. South Bedfordshire Community Health Care Trust [1995] I.C.R. 1066
Kumchyk v. Derby City Council [1978] I.C.R. 1116
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Ladbroke Entertainments Ltd. v. Clark [1987] I.C.R. 585
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Ladbroke Racing Ltd. v. Mason [1978] I.C.R. 49
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Lake v. Essex County Council [1978] I.C.R. 657; [1979] I.C.R. 577
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Lambert v. Croydon College [1999] I.C.R. 409
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Lamont v. Fry's Metals Ltd. [1983] I.C.R. 778; [1985] I.C.R. 566
Lancashire County Council v. Mason [1998] I.C.R. 907
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Lancing Linde Ltd. v. Kerr [1991] I.C.R. 428
Landsorganisationen i Danmark v. Ny Molle Kro (Case 287/86) [1989] I.C.R. 330
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Langridge v. Howletts & Port Lympne Estates Ltd. *See* Canterbury City Council v. Howletts & Port Lympne Estates Ltd.
Langston v. AUEW [1973] I.C.R. 211; [1974] I.C.R. 180
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Lavery v. Plessey Telecommunications Ltd. [1982] I.C.R. 373; [1983] I.C.R. 534
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Lawrence v. Regent Office Care Ltd. [1999] I.C.R. 654
Lawrence David Ltd. v. Ashton [1989] I.C.R. 123
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Ledernes Hovedorganisation v. Dansk Arbejdsgiverforening (Rygaard's Case) (Case C-48/94) [1996] I.C.R. 333
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Lewen v. Denda (Case C-333/97) [2000] I.C.R. 648
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Leyland Vehicles Ltd. v. Reston [1981] I.C.R. 403
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Litster v. Forth Dry Dock & Engineering Co. Ltd. [1989] I.C.R. 341
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London Underground Ltd. v. Edwards (No. 2) [1999] I.C.R. 494
London Underground Ltd. v. Fitzgerald [1997] I.C.R. 271
London Underground Ltd. v. National Union of Railwaymen, Maritime and Transport Staff [1996] I.C.R. 170
London Underground Ltd. v. Noel [2000] I.C.R. 109
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Longden v. Ferrari Ltd. [1994] I.C.R. 443
Lord Advocate v. de Rosa [1974] I.C.R. 480
Losinska v. Civil and Public Services Association [1976] I.C.R. 473
Louies v. Coventry Hood & Seating Co. Ltd. [1990] I.C.R. 54
Loughran v. Northern Ireland Housing Executive. *See* Kelly v. Northern Ireland Housing Executive
Lowbey v. Lindo (Note) [1981] I.C.R. 216
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Lowndes v. Specialist Heavy Engineering Ltd. [1977] I.C.R. 1
Lowson v. Percy Main & District Social Club & Institute Ltd. [1979] I.C.R. 568
Lucas v. Henry Johnson (Packers & Shippers) Ltd. [1986] I.C.R. 384
Lucas v. Lawrence Scott & Electromotors Ltd. [1983] I.C.R. 309
Luce v. Bexley London Borough Council [1990] I.C.R. 591
Ludewig v. Kreis Segeberg (Case C-78/93). *See* Stadt Lengerich v. Helmig (Case C-3899/92)
Lunt v. Merseyside TEC Ltd. [1999] I.C.R. 17
Lupetti v. Wrens Old House Ltd. [1984] I.C.R. 348
Lustig-Prean, *Ex parte. See* Reg. v. Ministry of Defence, *Ex parte* Smith
Lynock v. Cereal Packaging Ltd. [1988] I.C.R. 670
Lyon v. St. James Press Ltd. [1976] I.C.R. 413
Lytlareh Ltd. v. Reid [1991] I.C.R. 216

M. v. Vincent [1998] I.C.R. 73
M.B.S. Ltd. v. Calo [1983] I.C.R. 459
M.D. Foods Plc. (formerly Associated Dairies Ltd.) v. Baines. *See* Associated Dairies Ltd. v. Baines
MHC Consulting Services Ltd. v. Tansell [1999] I.C.R. 1211; [2000] I.C.R. 789
M.R.S. Environmental Services Ltd. v. Marsh [1997] I.C.R. 995
McAlpine (Sir Alfred) & Son (Northern) Ltd. v. Foulkes [1977] I.C.R. 748
McAlwane v. Boughton Estates Ltd. [1973] I.C.R. 470
Macarthys Ltd. v. Smith [1978] I.C.R. 500; [1979] I.C.R. 785; [1980] I.C.R. 672
McCabe v. Edwards [1981] I.C.R. 468
McCafferty v. Metropolitan Police District Receiver [1977] I.C.R. 799
McClaren v. Home Office [1989] I.C.R. 550; [1990] I.C.R. 824
McCormick v. Horsepower Ltd. [1980] I.C.R. 278; [1981] I.C.R. 535
McCree v. Tower Hamlets London Borough Council [1992] I.C.R. 99
McDermid v. Nash Dredging & Reclamation Co. Ltd. [1986] I.C.R. 525; [1987] I.C.R. 917
McDonald v. Horn [1995] I.C.R. 685
MacDonald v. South Cambridgeshire Rural District Council [1973] I.C.R. 611
Macfisheries Ltd. v. Findlay [1985] I.C.R. 160
McGhee v. Midlands British Road Services Ltd. [1985] I.C.R. 503
McGhee v. Transport and General Workers' Union [1985] I.C.R. 503
McGorry v. Earls Court Stand Fitting Co. Ltd. [1973] I.C.R. 100
McGovern v. British Steel Corpn. [1986] I.C.R. 608
McGrath v. Rank Leisure Ltd. [1985] I.C.R. 527
McGregor v. General Municipal Boilermakers and Allied Trades Union [1987] I.C.R. 505

MacGregor Wallcoverings Ltd. v. Turton [1978] I.C.R. 541; [1979] I.C.R. 558
McKechnie v. U.B.M. Building Supplies (Southern) Ltd. [1991] I.C.R. 710
McKenzie v. Crosville Motor Services Ltd. [1990] I.C.R. 172
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Mackie v. John Holt Vintners Ltd. (Note) [1982] I.C.R. 146
McLaren v. National Coal Board [1988] I.C.R. 370
MacLelland v. National Union of Journalists [1975] I.C.R. 116
McLory v. Post Office [1992] I.C.R. 758
McLoughlin v. Gordons (Stockport) Ltd. [1978] I.C.R. 561
Maclaren v. National Coal Board [1987] I.C.R. 410
MacMahon v. Department of Education and Science [1983] I.C.R. 67
McMeechan v. Secretary of State for Employment [1995] I.C.R. 444; [1997] I.C.R. 549
McMenamin v. Diggles [1991] I.C.R. 641
MacMillan Inc. v. Bishopsgate Investment Trust Plc. (No. 2) [1993] I.C.R. 385
McMullen v. National Coal Board [1982] I.C.R. 148
McPhail v. Gibson [1977] I.C.R. 42
McWilliam v. William Collins, Sons & Co. Ltd. [1974] I.C.R. 226
Mabirizi v. National Hospital for Nervous Diseases [1990] I.C.R. 281
Macer v. Abafast Ltd. [1990] I.C.R. 234
Machine Tool Industry Research Association v. Simpson [1988] I.C.R. 558
Magorrian v. Eastern Health and Social Services Board (Case C-246/96) [1998] I.C.R. 979
Maher v. Fram Gerrard Ltd. [1974] I.C.R. 31
Mahmud v. Bank of Credit and Commerce International S.A. [1996] I.C.R. 406; [1997] I.C.R. 606
Maidment v. Commission of the European Communities [1999] I.C.R. 577
Maidment v. Cooper & Co. (Birmingham) Ltd. [1978] I.C.R. 1094
Mailway (Southern) Ltd. v. Willsher [1978] I.C.R. 511
Malaysian Industrial Development Authority v. Jeyasingham [1998] I.C.R. 307
Malik v. Bank of Credit and Commerce International S.A. *See* Mahmud v. Bank of Credit and Commerce International S.A.
Malik v. Post Office Counters Ltd. [1993] I.C.R. 93
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Mallett v. Restormel Borough Council [1977] I.C.R. 987; [1978] I.C.R. 725
Mandla (Sewa Singh) v. Dowell Lee [1983] I.C.R. 385
Manifold Industries Ltd. v. Sims [1991] I.C.R. 504
Mann v. Secretary of State for Employment. *See* Secretary of State for Employment v. Mann
Manning v. R. & H. Wale (Export) Ltd. [1979] I.C.R. 433
Manpower Ltd. v. Hearne [1983] I.C.R. 567
Mansard Precision Engineering Co. Ltd. v. Taylor [1978] I.C.R. 44
Mansell (R.) Ltd. v. Curry [1983] I.C.R. 798
Marina Shipping Ltd. v. Laughton [1982] I.C.R. 215
Maris v. Rotherham Corpn. [1974] I.C.R. 435
Marks & Spencer Plc. v. Martins [1998] I.C.R. 1005
Marler (E. T.) Ltd. v. Robertson [1974] I.C.R. 72
Marley v. Forward Trust Group Ltd. [1986] I.C.R. 115, 891
Marley Tile Co. Ltd. v. Shaw [1978] I.C.R. 828; [1980] I.C.R. 72
Marley (U.K.) Ltd. v. Anderson [1994] I.C.R. 295; [1996] I.C.R. 728
Marsh v. National Autistic Society [1993] I.C.R. 453
Marshall v. Alexander Sloan & Co. Ltd. [1980] I.C.R. 394
Marshall v. Harland & Wolff Ltd. [1972] I.C.R. 101
Marshall v. Harland & Wolff Ltd. (Practice Note) [1972] I.C.R. 97
Marshall v. N.M. Financial Management Ltd. [1995] I.C.R. 1042; [1997] I.C.R. 1065
Marshall v. Southampton and South West Hampshire Area Health Authority (Teaching) (Case 152/84) [1986] I.C.R. 335
Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) [1990] I.C.R. 6; [1991] I.C.R. 136; [1994] I.C.R. 242
Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) (Case C-271/91) [1993] I.C.R. 893
Marshall (Cambridge) Ltd. v. Hamblin [1994] I.C.R. 362
Marshall (Thomas) (Exports) Ltd. v. Guinle [1978] I.C.R. 905
Marston v. British Railways Board [1976] I.C.R. 124
Martin v. Boulton and Paul (Steel Construction) Ltd. [1982] I.C.R. 366
Martin v. British Railways Board [1989] I.C.R. 24
Martin v. Glynwed Distribution Ltd. [1983] I.C.R. 511
Martin v. Yeoman Aggregates Ltd. [1983] I.C.R. 314

Martinez Losada v. Instituto Nacional de Empleo (Case C-88/95) [1997] I.C.R. 1100
Massey v. Crown Life Insurance Co. [1978] I.C.R. 590
Masters of Beckenham Ltd. v. Green [1977] I.C.R. 535
Maughan v. North East London Magistrates Court Committee [1985] I.C.R. 703
Mauldon v. British Telecommunications Plc. [1987] I.C.R. 450
Maulik v. Air India [1974] I.C.R. 528
Maund v. Penwith District Council [1982] I.C.R. 732; [1984] I.C.R. 143
Maxwell Fleet and Facilities Management Ltd., *In re* [2000] I.C.R. 717
Mayhew v. Richard Alexander & Son [1973] I.C.R. 441
Meade v. British Fuels Ltd. *See* Wilson v. St. Helens Borough Council
Meade v. Haringey London Borough Council [1979] I.C.R. 494
Meade-Hill v. British Council [1995] I.C.R. 847
Mears v. Safecar Security Ltd. [1981] I.C.R. 409; [1982] I.C.R. 626
Mecca Leisure Group Plc. v. Chatprachong [1993] I.C.R. 688
Medallion Holidays Ltd. v. Birch [1985] I.C.R. 578
Medhurst v. National and Local Government Officers Association (Dental Estimates Branch) [1990] I.C.R. 687
Mediguard Services Ltd. v. Thame [1994] I.C.R. 751
Melon v. Hector Powe Ltd. [1981] I.C.R. 43
Mennell v. Newell & Wright (Transport Contractors) Ltd. [1996] I.C.R. 607; [1997] I.C.R. 1039
Mercia Rubber Mouldings Ltd. v. Lingwood [1974] I.C.R. 256
Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94) [1997] I.C.R. 352
Mercury Communications Ltd. v. Scott-Garner [1984] I.C.R. 74
Meridian Ltd. v. Gomersall [1977] I.C.R. 597
Merino Garcia v. Bundesanstalt für Arbeit (Case C-266/95) [1998] I.C.R. 715
Merkur Island Shipping Corpn. v. Laughton [1983] I.C.R. 178, 490
Mersey Docks and Harboour Co. v. Transport and General Workers' Union. *See* Associated British Ports v. Transport and General Workers' Union
Merseyside and North Wales Electricity Board v. Taylor [1975] I.C.R. 185
Merton London Borough Council v. Gardiner [1981] I.C.R. 186
Messenger Newspapers Group Ltd. v. National Graphical Association (1982) [1984] I.C.R. 345
Methilhill Bowling Club v. Hunter [1995] I.C.R. 793
Methodist Conference (President of the) v. Parfitt [1984] I.C.R. 176
Methven v. Cow Industrial Polymers Ltd. [1979] I.C.R. 613; [1980] I.C.R. 463
Michael, *Ex parte*. *See* Reg. v. National Insurance Comr., *Ex parte* Michael
Middlebrook Mushrooms Ltd. v. Transport and General Workers' Union [1993] I.C.R. 612
Midland Bank Plc. v. Madden. *See* Foley v. Post Office
Midland Cold Storage Ltd. v. Steer [1972] I.C.R. 435
Midland Cold Storage Ltd. v. Turner [1972] I.C.R. 230
Midland Foot Comfort Centre v. Moppett [1973] I.C.R. 219
Midland News Association Ltd. v. Wade [1979] I.C.R. 664
Midland Plastics v. Till [1983] I.C.R. 118
Midland Sinfonia Concert Society Ltd. v. Secretary of State for Social Services [1981] I.C.R. 454
Migwain Ltd. v. Transport and General Workers' Union [1979] I.C.R. 597
Miles v. Wakefield Metropolitan District Council [1984] I.C.R. 332; [1985] I.C.R. 363; [1987] I.C.R. 368
Miller v. Hamworthy Engineering Ltd. [1986] I.C.R. 846
Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867
Millington v. T. H. Goodwin & Sons Ltd. [1975] I.C.R. 104
Mills v. Hassall [1983] I.C.R. 330
Mills v. National Union of Journalists [1975] I.C.R. 116
Milne & Lyall v. Waldren [1980] I.C.R. 138
Mining Supplies (Longwall) Ltd. v. Baker [1988] I.C.R. 676
Ministry of Defence v. Bristow [1996] I.C.R. 544
Ministry of Defence v. Cannock [1994] I.C.R. 918
Ministry of Defence v. Donald. *See* Ministry of Defence v. Hunt [1996] I.C.R. 554
Ministry of Defence v. Donald. *See* Ministry of Defence v. Wheeler [1998] I.C.R. 242
Ministry of Defence v. Farthing [1980] I.C.R. 705
Ministry of Defence v. George. *See* Ministry of Defence v. Hunt [1996] I.C.R. 554
Ministry of Defence v. Hunt [1996] I.C.R. 554
Ministry of Defence v. Jeremiah [1978] I.C.R. 984; [1980] I.C.R. 13
Ministry of Defence v. Joslyn. *See* Ministry of Defence v. Wheeler [1998] I.C.R. 242
Ministry of Defence v. Lowe. *See* Ministry of Defence v. Pope
Ministry of Defence v. Lowe (No. 2). *See* Ministry of Defence v. O'Hare (No. 2)
Ministry of Defence v. Mutton [1996] I.C.R. 590

Ministry of Defence v. Nixon. *See* Ministry of Defence v. Wheeler [1998] I.C.R. 242
Ministry of Defence v. O'Hare. *See* Ministry of Defence v. Pope
Ministry of Defence v. O'Hare (No. 2) [1997] I.C.R. 306
Ministry of Defence v. Pope [1997] I.C.R. 296
Ministry of Defence v. Sullivan [1994] I.C.R. 193
Ministry of Defence v. Wheeler. *See* Ministry of Defence v. Hunt [1996] I.C.R. 554
Ministry of Defence v. Wheeler [1998] I.C.R. 242
Mirror Group Newspapers Ltd. v. Gunning [1984] I.C.R. 706; [1986] I.C.R. 145
Mirza v. Ford Motor Co. Ltd. [1981] I.C.R. 757
Mitchell v. Arkwood Plastics (Engineering) Ltd. [1993] I.C.R. 471
Mitchell v. Royal British Legion Club [1981] I.C.R. 18
Mitchell v. Vickers Armstrong Ltd. [1984] I.C.R. 236
Moberly v. Commonwealth Hall (University of London) [1977] I.C.R. 791
Modern Injection Moulds Ltd. v. Price [1976] I.C.R. 370
Moeliker v. A. Reyrolle & Co. Ltd. [1976] I.C.R. 253
Mole Mining Ltd. v. Jenkins [1972] I.C.R. 282
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Monterosso Shipping Co. Ltd. v. International Transport Workers Federation [1982] I.C.R. 675
Moon v. Homeworthy Furniture (Northern) Ltd. [1977] I.C.R. 117
Moore v. Aluminium Platers (Leeds) Ltd. [1976] I.C.R. 83
Moore v. Duport Furniture Products Ltd. [1982] I.C.R. 84
Morgan v. Electrolux Ltd. [1991] I.C.R. 369
Morganite Crucible Ltd. v. Street [1972] I.C.R. 110
Morganite Electrical Carbon Ltd. v. Donne [1988] I.C.R. 18
Morley v. Chief Adjudication Officer. *See* Thomas v. Chief Adjudication Officer (Case C-328/91)
Morley v. C. T. Morley Ltd. [1985] I.C.R. 499
Morley's of Brixton Ltd. v. Minott [1982] I.C.R. 444
Moroni v. Collo G.M.b.H. (Case C-110/91) [1995] I.C.R. 137
Morris v. Acco Co. Ltd. [1985] I.C.R. 306
Morris v. Breaveglen Ltd. (trading as Anzac Construction Co.) [1993] I.C.R. 766
Morris v. Gestetner Ltd. [1973] I.C.R. 587
Morris v. Griffiths [1977] I.C.R. 153
Morris v. John Grose Group Ltd. [1998] I.C.R. 655
Morris v. London Iron and Steel Co. Ltd. [1986] I.C.R. 629; [1987] I.C.R. 855
Morris v. Secretary of State for Employment [1985] I.C.R. 522
Morris Angel & Son Ltd. v. Hollande [1993] I.C.R. 71
Morrish v. Henlys (Folkestone) Ltd. [1973] I.C.R. 482
Morse v. Wiltshire County Council [1998] I.C.R. 1023
Mortimer v. Reading Windings Ltd. [1977] I.C.R. 511
Motherwell Railway Club v. McQueen [1989] I.C.R. 418
Mowlem Northern Ltd. v. Watson [1990] I.C.R. 751
Muffett (S. H.) Ltd. v. Head [1987] I.C.R. 1
Mugford v. Midland Bank Plc. [1997] I.C.R. 399
Mukoro v. European Bank for Reconstruction and Development [1994] I.C.R. 897
Mulholland v. Midland Bank Plc. *See* Alexander v. Midland Bank Plc.
Muller v. Amersham & Wycombe College. *See* Pfaffinger v. City of Liverpool Community College
Mullet v. Brush Electrical Machines [1977] I.C.R. 829
Mulvaney v. London Transport Executive [1981] I.C.R. 351
Munif v. Cole & Kirby Ltd. [1973] I.C.R. 486
Munir v. Jang Publications Ltd. [1988] I.C.R. 214; [1989] I.C.R. 1
Murco Petroleum Ltd. v. Forge [1987] I.C.R. 282
Murphy v. Bord Telecom Eireann (Case 157/86) [1988] I.C.R. 445
Murphy v. Chief Adjudication Officer. *See* Thomas v. Chief Adjudication Officer (Case C-328/91)
Murphy v. Epsom College [1983] I.C.R. 715; [1985] I.C.R. 80
Murphy Telecommunications (Systems) Ltd. v. Henderson [1973] I.C.R. 581
Murray v. Foyle Meats Ltd. [1999] I.C.R. 827

NALHM v. Allied Breweries (U.K) Ltd. [1972] I.C.R. 257
N.R.G. Victory Reinsurance Ltd. v. Alexander [1992] I.C.R. 675
NUBE v. Anglia Building Society [1973] I.C.R. 597
NUBE v. Barclays Bank International Ltd. [1973] I.C.R. 167
NUBE v. Mitsubishi Bank Ltd. [1974] I.C.R. 200

N.W.L. Ltd. v. Nelson [1979] I.C.R. 755
N.W.L. Ltd. v. Woods [1979] I.C.R. 744
Nabadda v. Westminster City Council [2000] I.C.R. 951
Nagarajan v. Agnew [1995] I.C.R. 520
Nagarajan v. London Regional Transport [1999] I.C.R. 877
Nangle, *Ex parte. See* Reg. v. Lord Chancellor's Department, *Ex parte* Nangle
Naqvi v. Stephens Jewellers Ltd. [1978] I.C.R. 631
Narich Pty. Ltd. v. Comr. of Pay-roll Tax [1984] I.C.R. 286
Nash v. Ryan Plant International Ltd. [1977] I.C.R. 560
Natarajan v. British Railways Board [1979] I.C.R. 326
National Association of Schoolmasters and Union of Women Teachers, *Ex parte. See* Reg. v. Secretary of State for Trade and Industry, *Ex parte* UNISON
National Association of Teachers in Further and Higher Education v. Manchester City Council [1978] I.C.R. 1190
National Coal Board v. National Union of Mineworkers [1986] I.C.R. 736
National Coal Board v. Ridgway [1987] I.C.R. 641
National Coal Board v. Sherwin [1978] I.C.R. 700
National Daily and Sunday Newspapers Proprietors' Agreement, *In re* [1986] I.C.R. 44
National Employers Life Assurance Co. Ltd. v. Advisory, Conciliation and Arbitration Service [1979] I.C.R. 620
National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 5) *In re* [1973] I.C.R. 649
National Federation of Self-Employed and Small Businesses Ltd. v. Philpott [1997] I.C.R. 518
National Graphical Association v. Howard [1983] I.C.R. 574; [1985] I.C.R. 97
National Grid Co. Plc. v. Laws. *See* National Grid Co. Plc. v. Mayes
National Grid Co. Plc. v. Mayes [2000] I.C.R. 174
National Heart and Chest Hospitals Board of Governors v. Nambiar [1981] I.C.R. 441
National and Local Government Officers Association v. Courtney-Dunn [1991] I.C.R. 784
National and Local Government Officers Association v. Killorn [1991] I.C.R. 1
National and Local Government Officers Association v. National Travel (Midlands) Ltd. [1978] I.C.R. 598
National Panasonic (U.K.) Ltd. v. Commission of the European Communities (Case 136/79) [1981] I.C.R. 51
National Power Plc. v. Feldon. *See* National Grid Co. Plc. v. Mayes
National Society of Operative Printers Graphical and Media Personnel v. Goodfellow [1985] I.C.R. 187
National Society of Operative Printers Graphical and Media Personnel v. Kirkham [1983] I.C.R. 241
National Union of Gold, Silver & Allied Trades v. Albury Brothers Ltd. [1978] I.C.R. 62; [1979] I.C.R. 84
National Union of Mineworkers, *Ex parte. See* Reg. v. National Coal Board, *Ex parte* National Union of Mineworkers
National Union of Mineworkers (Yorkshire Area) v. Millward [1995] I.C.R. 482
National Union of Tailors and Garment Workers v. Charles Ingram & Co. Ltd. [1977] I.C.R. 530
National Union of Teachers v. Avon County Council [1978] I.C.R. 626
National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1995] I.C.R. 317; [1997] I.C.R. 334
National Vulcan Engineering Insurance Group Ltd. v. Wade [1977] I.C.R. 455; [1978] I.C.R. 800
Navy, Army and Air Force Institutes v. Varley [1977] I.C.R. 11
Naylor v. Orton & Smith Ltd. [1983] I.C.R. 665
Neale v. Hereford and Worcester County Council [1986] I.C.R. 471
Neath v. Hugh Steeper Ltd. (Case C-152/91) [1995] I.C.R. 158
Neepsend Steel & Tool Corpn. Ltd. v. Vaughan [1972] I.C.R. 278
Nelson v. British Broadcasting Corpn. [1977] I.C.R. 649
Nelson v. British Broadcasting Corpn. (No. 2) [1980] I.C.R. 110
Nelson v. Tyne & Wear Passenger Transport Executive [1978] I.C.R. 1183
Nerva v. R. L. & G. Ltd. [1997] I.C.R. 11
Net Book Agreement 1957 (No. 3), *In re* [1998] I.C.R. 741
Net Book Agreement 1957 (No. 4), *In re* [1998] I.C.R. 753
Nethermere (St. Neots) Ltd. v. Gardiner [1983] I.C.R. 319; [1984] I.C.R. 612
Neuhuys v. Ford Motors Co. (Belgium) S.A. (Case C-172/94). *See* Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94)
New Centurion Trust Ltd. v. Welch [1990] I.C.R. 383
Newalls Insulation Co. Ltd. v. Blakeman [1976] I.C.R. 543
Newark Advertiser Co. Ltd. v. Wade [1979] I.C.R. 664
Newbold v. Leicester City Council [1999] I.C.R. 1182

Newham London Borough Council v. National and Local Government Officers Association [1993] I.C.R. 189
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News Group Newspapers Ltd., *Ex parte*. *See* A. v. B, *Ex parte* News Group Newspapers Ltd.
News Group Newspapers Ltd. v. Society of Graphical and Allied Trades 1982 [1986] I.C.R. 716
News Group Newspapers Ltd. v. Society of Graphical and Allied Trades 1982 (No. 2) [1987] I.C.R. 181
Newstead v. Department of Transport (Case 192/85) [1988] I.C.R. 332
New Victoria Hospital v. Ryan [1993] I.C.R. 201
Nicholls v. National Coal Board [1976] I.C.R. 266
Nicholson v. Smiths Shiprepairers (North Shields) Ltd. [1984] I.C.R. 236
Nicoll v. Nocorrode Ltd. [1981] I.C.R. 348
Nikitas v. Solihull Metropolitan Borough Council [1986] I.C.R. 291
Noble v. David Gold & Son (Holdings) Ltd. [1980] I.C.R. 543
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Norgett v. Luton Industrial Co-operative Society Ltd. [1976] I.C.R. 442
Norris v. Checksfield [1991] I.C.R. 632
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North-East Coast Shiprepairers Ltd. v. Secretary of State for Employment [1978] I.C.R. 755
North Western Regional Health Authority, *Ex parte*. *See* Reg. v. Central Arbitration Committee, *Ex parte* North Western Regional Health Authority
North Yorkshire County Council v. Ratcliffe. *See* British Coal Corpn. v. Smith
North Yorkshire County Council v. Ratcliffe [1995] I.C.R. 833
Northern General Hospital National Health Service Trust v. Gale [1993] I.C.R. 638; [1994] I.C.R. 426
Norton Tool Co. Ltd. v. Tewson [1972] I.C.R. 501
Norwest Holst Group Administration Ltd. v. Harrison [1985] I.C.R. 668
Notcutt v. Universal Equipment Co. (London) Ltd. [1986] I.C.R. 414
Nothman v. Barnet London Borough Council [1978] I.C.R. 336; [1979] I.C.R. 111
Nottinghamshire Area Health Authority (Teaching) v. Wade [1979] I.C.R. 664
Nottinghamshire County Council v. Lee [1979] I.C.R. 818; [1980] I.C.R. 635
Nudds v. W. & J. B. Eastwood Ltd. [1978] I.C.R. 171
Nurse v. Morganite Crucible Ltd. [1989] I.C.R. 15
Nu-Swift International Ltd. v. Mallinson [1979] I.C.R. 517

O'Brien v. National Union of Mineworkers (Yorkshire Area) [1977] I.C.R. 573
O'Brien v. National Union of Mineworkers (Yorkshire Area) (No. 2) [1978] I.C.R. 676
O'Brien v. Sim-Chem Ltd. [1979] I.C.R. 13; [1980] I.C.R. 429, 573
Octavius Atkinson & Sons Ltd. v. Morris [1989] I.C.R. 431
Oddy v. TSSA [1973] I.C.R. 524
Odeco (U.K.) Inc. v. Peacham [1979] I.C.R. 823
O'Dea v. ISC Chemicals Ltd. [1996] I.C.R. 222
O'Farrell v. National Dock Labour Board [1974] I.C.R. 266
O'Flynn v. Adjudication Officer (Case C-237/94) [1998] I.C.R. 608
O'Hare v. Rotaprint Ltd. [1980] I.C.R. 94
Ogden v. Ardphalt Asphalt Ltd. [1977] I.C.R. 604
Ogidi-Olu v. Guys Hospital Board of Governors [1973] I.C.R. 645
Ojutiku v. Manpower Services Commission [1981] I.C.R. 515; [1982] I.C.R. 661
O'Keefe v. Southampton City Council [1988] I.C.R. 419
O'Kelly v. Trusthouse Forte Plc. [1983] I.C.R. 728
O'Laoire v. Jackel International Ltd. [1990] I.C.R. 197
O'Laoire v. Jackel International Ltd. (No. 2) [1991] I.C.R. 718
Oldham Metropolitan Borough Council, *Ex parte*. *See* Reg. v. Secretary of State for the Environment, *Ex parte* Oldham Metropolitan Borough Council
Oliver v. J. P. Malnick & Co. [1983] I.C.R. 708
Oliver v. J. P. Malnick & Co. (No. 2) [1984] I.C.R. 458
O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School [1997] I.C.R. 33
O'Neill v. Merseyside Plumbing Co. Ltd. [1973] I.C.R. 96
O'Neill v. Symm & Co. Ltd. [1998] I.C.R. 481
Open University v. Triesman [1978] I.C.R. 524
Optikinetics Ltd. v. Whooley [1999] I.C.R. 984
Ord v. Maidstone and District Hospital Management Committee [1974] I.C.R. 369
Osbourne v. Bill Taylor of Huyton Ltd. [1982] I.C.R. 168
O'Shea v. Immediate Sound Services Ltd. [1986] I.C.R. 598
Osler v. Midland Bank Plc. *See* Alexander v. Midland Bank Plc.

Outlook Supplies Ltd. v. Parry [1978] I.C.R. 388
Owen & Briggs v. James [1981] I.C.R. 377; [1982] I.C.R. 618
Owen v. Crown House Engineering Ltd. [1973] I.C.R. 511
Owen v. Funditor Ltd. [1976] I.C.R. 350
Oxford v. Department of Health and Social Security [1977] I.C.R. 884

P. v. Nottinghamshire County Council [1992] I.C.R. 706
P. v. S. (Case C-13/94) [1996] I.C.R. 795
P. v. T. Ltd. [1997] I.C.R. 887
P. & O. European Ferries (Dover) Ltd. v. Byrne [1989] I.C.R. 779
P. & O. European Ferries (Dover) Ltd. v. Iverson [1999] I.C.R. 1088
P. & O. Property Holdings Ltd. v. Allen [1997] I.C.R. 436
Page, *Ex parte. See* Reg. v. Hull University Visitor, *Ex parte* Page
Page v. Freight Hire (Tank Haulage) Ltd. [1981] I.C.R. 299
Palfrey v. Greater London Council [1985] I.C.R. 437
Palmanor Ltd. v. Cedron [1978] I.C.R. 1008
Palmer v. Southend-on-Sea Borough Council [1984] I.C.R. 372
Palmer v. Vauxhall Motors Ltd. [1977] I.C.R. 24
Palmer (George A.) Ltd. v. Beeby [1978] I.C.R. 196
Pambakian v. Brentford Nylons Ltd. [1978] I.C.R. 665
Panalpina Services Ltd. v. TGWU [1972] I.C.R. 308
Panesar v. Nestlé Co. Ltd. (Note) [1980] I.C.R. 144
Pape v. Cumbria County Council [1992] I.C.R. 132
Paramount Airways Ltd., *In re. See* Powdrill v. Watson
Paredes v. Instituto Nacional de Empleo (Case C-103/95). *See* Martinez Losada v. Instituto Nacional de Empleo (Case C-88/95)
Park v. National Coal Board [1981] I.C.R. 783
Parker v. Clifford Dunn Ltd. [1979] I.C.R. 463
Parker Foundry Ltd. v. Slack [1989] I.C.R. 686; [1992] I.C.R. 302
Parkin v. Association of Scientific, Technical and Managerial Staffs [1980] I.C.R. 662
Parkinson v. March Consulting Ltd. [1998] I.C.R. 276
Parr v. Whitbread & Co. Plc. [1990] I.C.R. 427
Parsons v. Albert J. Parsons & Sons Ltd. [1978] I.C.R. 456; [1979] I.C.R. 271
Parsons v. Cornwall County Fire Brigade [1974] I.C.R. 69
Parsons v. East Surrey Health Authority [1986] I.C.R. 837
Parsons (C.A.) & Co. Ltd. v. AUEW (TASS) [1972] I.C.R. 143
Passmore v. Morland Plc. [1999] I.C.R. 913
Patel v. Nagesan [1995] I.C.R. 988
Peach Grey & Co. v. Sommers [1995] I.C.R. 549
Peake v. Automotive Products Ltd. [1977] I.C.R. 480, 968
Peara v. Enderlin Ltd. [1979] I.C.R. 804
Pearce v. Governing Body of Mayfield Secondary School [2000] I.C.R. 920
Pearson v. Kent County Council [1992] I.C.R. 20
Pedersen v. Camden London Borough Council (Note) [1981] I.C.R. 674
Pename Ltd v. Paterson [1989] I.C.R. 12
Pendlebury v. Christian Schools North West Ltd. [1985] I.C.R. 174
Pendragon Plc. v. Jackson [1998] I.C.R. 215
Penrose v. Fairey Surveys Ltd. [1973] I.C.R. 26
Pentney v. Anglian Water Authority [1983] I.C.R. 464
Pepper v. Hart [1991] I.C.R. 681; [1993] I.C.R. 291
Perera v. Civil Service Commission [1980] I.C.R. 699
Perera v. Civil Service Commission (No. 2) [1982] I.C.R. 350; [1983] I.C.R. 428
Perry (Howard E.) & Co. Ltd. v. British Railways Board [1980] I.C.R. 743
Petch v. Customs and Excise Comrs. [1993] I.C.R. 789
Pfaffinger v. City of Liverpool Community College [1997] I.C.R. 142
Philip Hodges & Co. v. Kell [1994] I.C.R. 656
Pickford v. Imperial Chemical Industries Plc. [1997] I.C.R. 566; [1998] I.C.R. 673
Pickstone v. Freemans Plc. [1986] I.C.R. 886; [1987] I.C.R. 867; [1988] I.C.R. 697
Pickwell v. Lincolnshire County Council [1993] I.C.R. 87
Piggott Brothers & Co. Ltd. v. Jackson [1992] I.C.R. 85
Pinkney v. Sandpiper Drilling Ltd. [1989] I.C.R. 389
Plummer v. Tibsco Ltd. [2000] I.C.R. 509
Poeton (A. T.) (Gloucester Plating) Ltd. v. Horton [2000] I.C.R. 1208
Polentarutti v. Autokraft Ltd. [1991] I.C.R. 757

Polkey v. A. E. Dayton Services Ltd. [1987] I.C.R. 301; [1988] I.C.R. 142
Porcelli v. Strathclyde Regional Council [1985] I.C.R. 177; [1986] I.C.R. 564
Portec (U.K.) Ltd. v. Mogensen [1976] I.C.R. 396
Porter v. Bandridge Ltd. [1978] I.C.R. 943
Port of London Authority v. Payne [1993] I.C.R. 30; [1994] I.C.R. 555
Port of London Authority v. Transport and General Workers' Union. *See* Associated British Ports v. Transport and General Workers' Union
Portsea Island Mutual Co-operative Society Ltd. v. Leyland [1978] I.C.R. 1195
Portsea Island Mutual Co-operative Society Ltd. v. Rees [1980] I.C.R. 260
Port Talbot Engineering Co. Ltd. v. Passmore [1975] I.C.R. 234
Post Office v. Adams [1974] I.C.R. 575
Post Office v. Adekeye [1995] I.C.R. 540; [1997] I.C.R. 110
Post Office v. Crouch [1973] I.C.R. 366; [1974] I.C.R. 378
Post Office v. Howell [2000] I.C.R. 913
Post Office v. Jones [2000] I.C.R. 388
Post Office v. Moore [1981] I.C.R. 623
Post Office v. Mughal [1977] I.C.R. 763
Post Office v. Ravyts [1972] I.C.R. 174
Post Office v. Sanhotra [2000] I.C.R. 866
Post Office v. Union of Communication Workers [1990] I.C.R. 258
Post Office v. Union of Post Office Workers [1974] I.C.R. 378
Post Office (Counters) Ltd. v. Heavey [1990] I.C.R. 1
Post Office Counters Ltd. v. Malik [1991] I.C.R. 355
Potter v. Hunt Contracts Ltd. [1992] I.C.R. 337
Powdrill v. Watson [1994] I.C.R. 395; [1995] I.C.R. 1100
Powell v. Brent London Borough Council [1988] I.C.R. 176
Powell Duffryn Wagon Co. Ltd. v. House [1974] I.C.R. 123
Power Packing Casemakers Ltd. v. Faust [1981] I.C.R. 484; [1983] I.C.R. 292
Powley v. Advisory Conciliation and Arbitration Service [1978] I.C.R. 123
Powrmatic Ltd. v. Bull [1977] I.C.R. 469
Practice Direction (Costs: Appeals on Fact) [1973] I.C.R. 462
Practice Direction (E.A.T.: Appeal Procedure) [1977] I.C.R. 163
Practice Direction (E.A.T.: Appeal Procedure) (No. 2) [1977] I.C.R. 307
Practice Direction (E.A.T.: Appeals) [1978] I.C.R. 621
Practice Direction (E.A.T.: Appeals) (No. 2) [1979] I.C.R. 288
Practice Direction (E.A.T.: Listing Appeals) [1985] I.C.R. 267
Practice Direction (E.A.T.: Preliminary Hearing) [1985] I.C.R. 684
Practice Direction (E.A.T.: Procedure) [1981] I.C.R. 287; [1996] I.C.R. 422
Practice Direction (E.A.T.: Transcript of Judgment) [1981] I.C.R. 690
Practice Direction (Restrictive Practices: Evidence) [1984] I.C.R. 703
Practice Direction (Restrictive Practices: Variation of Order) [1987] I.C.R. 128
Prais v. Council for the European Communities (Case 130/75) [1977] I.C.R. 284
Premier Motors (Medway) Ltd. v. Total Oil Great Britain Ltd. [1984] I.C.R. 58
Presho v. Department of Health and Social Security [1983] I.C.R. 595; [1984] I.C.R. 463
Presho v. Insurance Officer. *See* Presho v. Department of Health and Social Security
Presidential Statement: Closing of Court [1974] I.C.R. 668
Presidential Statement: Opening of Court [1972] I.C.R. 1
Presley v. Llanelli Borough Council [1979] I.C.R. 419
Press (W.) & Son Ltd. v. Hall [1974] I.C.R. 21
Prestcold Ltd. v. Irvine [1980] I.C.R. 610; [1981] I.C.R. 777
Prestige Group Plc., *In re* [1984] I.C.R. 473
Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899; [1998] I.C.R. 227
Preston v. Wolverhampton Healthcare N.H.S. Trust (Case C-78/98) [2000] I.C.R. 961
Price, *Ex parte*. See Reg. v. Bristol Corporation, *Ex parte* Vardy
Price v. Civil Service Commission [1978] I.C.R. 27
Price v. Smithfield & Zwanenberg Group Ltd. [1978] I.C.R. 93
Priddle v. Dibble [1978] I.C.R. 149
Prior, *Ex parte*. *See* Reg. v. Secretary of State for Education, *Ex parte* Prior
Prison Service v. Johnson [1997] I.C.R. 275
Pritchett v. J. McIntyre Ltd. [1987] I.C.R. 359
Procureur du Roi v. Royer (Case 48/75) [1977] I.C.R. 314
Provident Financial Group Plc. v. Hayward [1989] I.C.R. 160
Public Prosecutor v. Hansen & Son I/S (Case 326/88) [1992] I.C.R. 277
Publishers Association v. Commission of the European Communities (Case 56/89R) [1990] I.C.R. 419

Publishers Association v. Commission of the European Communities (No. 2) (Case T-66/89) [1992] I.C.R. 842
Publishers Association v. Commission of the European Communities (No. 3) (Case C-360/92P) [1996] I.C.R. 121
Puglia v. C. James & Sons [1996] I.C.R. 301
Puttick v. John Wright & Sons (Blackwall) Ltd. [1972] I.C.R. 457

Qualcast (Wolverhampton) Ltd. v. Ross [1979] I.C.R. 386
Quinn v. Williams Furniture Ltd. [1981] I.C.R. 328
Quinnen v. Hovells [1984] I.C.R. 525

RCO Support Services Ltd. v. UNISON [2000] I.C.R. 1502
RHM Foods Ltd, *Ex parte. See* Reg. v. Central Arbitration Committee, *Ex parte* RHM Foods Ltd.
R.M.C. Roadstone Products Ltd. v. Jester [1994] I.C.R. 456, 596
R. S. Components Ltd. v. Irwin [1973] I.C.R. 535
Racal Communications Ltd. v. Pay Board [1974] I.C.R. 590
Racial Equality Council Cleveland v. Widlinski [1998] I.C.R. 1124
Radford v. NATSOPA [1972] I.C.R. 484
Rahi v. H.M. Land Registry [1979] I.C.R. 93
Rainey v. Greater Glasgow Health Board [1987] I.C.R. 129
Rajguru v. Top Order Ltd. [1978] I.C.R. 565
Ranger v. Brown [1978] I.C.R. 603
Rankin v. British Coal Corp. [1995] I.C.R. 774
Ranson v. G. & W. Collins Ltd. [1978] I.C.R. 765
Rao v. Civil Aviation Authority [1992] I.C.R. 503; [1994] I.C.R. 495
Rashid v. Inner London Education Authority [1977] I.C.R. 157
Rasool v. Hepworth Pipe Co. Ltd. [1980] I.C.R. 494
Rastall v. Midlands Electricity Plc. [1996] I.C.R. 644
Rastill v. Automatic Refreshment Services Ltd. [1978] I.C.R. 289
Ratcliffe v. North Yorkshire County Council. *See* North Yorkshire County Council v. Ratcliffe
Rath v. Cruden Construction Ltd. [1982] I.C.R. 60
Rathbone v. Croydon London Borough Council [1986] I.C.R. 897
Raval v. Department of Health and Social Security [1985] I.C.R. 685
Ravenseft Properties Ltd.'s Application, *In re* [1977] I.C.R. 136
Raybright T.V. Services Ltd. v. Smith [1973] I.C.R. 640
Rayware Ltd. v. Transport and General Workers' Union [1989] I.C.R. 457
Read v. Phoenix Preservation Ltd. [1985] I.C.R. 164
Reale v. La Caisse de Compensation des Allocations Familiales for the Mining Industry of the Charleroi and Basse- Sambre Coalfields (Case 32/76) [1977] I.C.R. 407
Red Bank Manufacturing Co. Ltd. v. Meadows [1992] I.C.R. 204
Redbridge London Borough Council v. Fishman [1978] I.C.R. 569
Reddington v. S. Straker & Sons Ltd. [1994] I.C.R. 172
Redland Roof Tiles Ltd. v. Harper [1977] I.C.R. 349
Redpath Dorman Long (Contracting) Ltd. v. Sutton [1972] I.C.R. 477
Reed Packaging Ltd. v. Boozer [1988] I.C.R. 391
Rees v. Apollo Watch Repairs Plc. [1996] I.C.R. 466
Reeves v. Transport and General Workers' Union [1980] I.C.R. 728
Reg. v. Admiralty Board of the Defence Council, *Ex parte* Beckett. *See* Reg. v. Ministry of Defence, *Ex parte* Smith
Reg. v. Admiralty Board of the Defence Council, *Ex parte* Lustig-Prean. *See* Reg. v. Ministry of Defence, *Ex parte* Smith
Reg. v. A.I. Industrial Products Plc. [1987] I.C.R. 418
Reg. v. Army Board of the Defence Council, *Ex parte* Anderson [1991] I.C.R. 357
Reg. v. Associated Octel Co. Ltd. [1995] I.C.R. 281; [1996] I.C.R. 972
Reg. v. Boal [1992] I.C.R. 495
Reg. v. Board of Trustees of the Science Museum [1993] I.C.R. 876
Reg. v. British Broadcasting Corpn., *Ex parte* Lavelle [1983] I.C.R. 99
Reg. v. British Coal Corpn., *Ex parte* Price. *See* Reg. v. British Coal Corpn., *Ex parte* Vardy
Reg. v. British Coal Corpn., *Ex parte* Union of Democratic Mineworkers [1988] I.C.R. 36
Reg. v. British Coal Corpn., *Ex parte* Vardy [1993] I.C.R. 720
Reg. v. British Steel Plc. [1995] I.C.R. 586
Reg. v. Carpenter [1974] I.C.R. 310
Reg. v. Central Arbitration Committee, *Ex parte* B.T.P. Tioxide Ltd. [1981] I.C.R. 843

Reg. v. Central Arbitration Committee, *Ex parte* Banking Insurance and Finance Union [1982] I.C.R. 206; [1983] I.C.R. 27
Reg. v. Central Arbitration Committee, *Ex parte* Deltaflow Ltd. [1978] I.C.R. 534
Reg. v. Central Arbitration Committee, *Ex parte* Gloucestershire County Council [1981] I.C.R. 95
Reg. v. Central Arbitration Committee, *Ex parte* North Western Regional Health Authority [1978] I.C.R. 1228
Reg. v. Central Arbitration Committee, *Ex parte* RHM Foods Ltd. [1979] I.C.R. 657
Reg. v. Certification Officer, *Ex parte* Amalgamated Union of Engineering Workers (Engineering Section) [1982] I.C.R. 34; [1983] I.C.R. 125
Reg. v. Certification Officer for Trade Unions and Employers' Associations, *Ex parte* Electrical Power Engineers' Association [1990] I.C.R. 156, 682
Reg. v. Chief Constable of Greater Manchester Police, *Ex parte* Lainton [2000] I.C.R. 1324
Reg. v. Civil Service Appeal Board, *Ex parte* Bruce [1988] I.C.R. 649; [1989] I.C.R. 171
Reg. v. Civil Service Appeal Board, *Ex parte* Cunningham [1992] I.C.R. 816
Reg. v. Commission for Racial Equality, *Ex parte* Westminster City Council [1984] I.C.R. 770; [1985] I.C.R. 827
Reg. v. Department of Health, *Ex parte* Gandhi [1991] I.C.R. 805
Reg. v. Deputy Chief Constable of the North Wales Constabulary, *Ex parte* Hughes [1991] I.C.R. 180
Reg. v. Derbyshire County Council, *Ex parte* Noble [1990] I.C.R. 808
Reg. v. Director General of Fair Trading, *Ex parte* F. H. Taylor & Co. Ltd. [1981] I.C.R. 292
Reg. v. East Berkshire Health Authority, *Ex parte* Walsh [1984] I.C.R. 743
Reg. v. Gateway Foodmarkets Ltd. [1997] I.C.R. 382
Reg. v. General Medical Council, *Ex parte* Virik [1996] I.C.R. 433
Reg. v. Greater London Council, *Ex parte* Burgess [1978] I.C.R. 991
Reg. v. Hampshire County Council, *Ex parte* Ellerton [1985] I.C.R. 317
Reg. v. Hillingdon Health Authority, *Ex parte* Goodwin [1984] I.C.R. 800
Reg. v. Hull University Visitor, *Ex parte* Page [1992] I.C.R. 67; [1993] I.C.R. 114
Reg. v. Industrial Injuries Comr., *Ex parte* Langley [1976] I.C.R. 36
Reg. v. Industrial Tribunal, *Ex parte* Cotswold Collotype Co. Ltd. [1979] I.C.R. 190
Reg. v. Jones (John) [1974] I.C.R. 310
Reg. v. Kellam, *Ex parte* South Wales Police Authority [2000] I.C.R. 632
Reg. v. Llywarch [1974] I.C.R. 310
Reg. v. London (North) Industrial Tribunal, *Ex parte* Associated Newspapers Ltd. [1998] I.C.R. 1212
Reg. v. Lord Chancellor's Department, *Ex parte* Nangle [1991] I.C.R. 743
Reg. v. Lord President of the Privy Council, *Ex parte* Page. *See* Reg. v. Hull University Visitor, *Ex parte* Page
Reg. v. Mara [1987] I.C.R. 165
Reg. v. Ministry of Defence, *Ex parte* Grady. *See* Reg. v. Ministry of Defence, *Ex parte* Smith
Reg. v. Ministry of Defence, *Ex parte* Smith [1996] I.C.R. 740
Reg. v. National Coal Board, *Ex parte* National Union of Mineworkers [1986] I.C.R. 791
Reg. v. National Insurance Comr., *Ex parte* East [1976] I.C.R. 206
Reg. v. National Insurance Comr., *Ex parte* Insurance Officer [1981] I.C.R. 90
Reg. v. National Insurance Comr., *Ex parte* Michael [1976] I.C.R. 90; [1977] I.C.R. 121
Reg. v. National Insurance Comr., *Ex parte* Stratton [1979] I.C.R. 290
Reg. v. National Insurance Comrs., *Ex parte* Steel [1978] I.C.R. 974
Reg. v. Nelson Group Services (Maintenance) Ltd. [1999] I.C.R. 1004
Reg. v. O'Shea [1974] I.C.R. 310
Reg. v. Paul Wurth S.A. [2000] I.C.R. 860
Reg. v. Post Office, *Ex parte* Association of Scientific, Technical and Managerial Staffs (Telephone Contracts Officers' Section) [1981] I.C.R. 76
Reg. v. Post Office, *Ex parte* Byrne [1975] I.C.R. 221
Reg. v. Rhône-Poulenc Rorer Ltd. [1996] I.C.R. 1054
Reg. v. Secretary of State for Education, *Ex parte* Prior [1994] I.C.R. 877
Reg. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1992] I.C.R. 341; [1993] I.C.R. 251; [1994] I.C.R. 317
Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889; [1997] I.C.R. 371
Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith (Case C-167/97) [1999] I.C.R. 447
Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith (No. 2) [2000] I.C.R. 244
Reg. v. Secretary of State for Environment, *Ex parte* Oldham Metropolitan Borough Council [1998] I.C.R. 367
Reg. v. Secretary of State for Health, *Ex parte* Richardson (Case C-137/94) [1996] I.C.R. 471
Reg. v. Secretary of State for Social Security, *Ex parte* Equal Opportunities Commission (Case C-9/91) [1992] I.C.R. 782
Reg. v. Secretary of State for Social Security, *Ex parte* Sutton (Case C-66/95) [1997] I.C.R. 961

Reg. v. Secretary of State for Social Security, *Ex parte* Taylor (Case C-382/98) [2000] I.C.R. 843
Reg. v. Secretary of State for the Home Department, *Ex parte* Benwell [1984] I.C.R. 723
Reg. v. Secretary of State for the Home Department, *Ex parte* Broom [1985] I.C.R. 766
Reg. v. Secretary of State for Trade and Industry, *Ex parte* GMB. *See* Reg. v. Secretary of State for Trade and Industry, *Ex parte* UNISON
Reg. v. Secretary of State for Trade and Industry, *Ex parte* National Association of Schoolmasters and Union of Women Teachers. *See* Reg. v. Secretary of State for Trade and Industry, *Ex parte* UNISON
Reg. v. Secretary of State for Trade and Industry, *Ex parte* UNISON [1996] I.C.R. 1003
Reg. v. Secretary of State for Trade and Industry, *Ex parte* Vardy. *See* Reg. v. British Coal Corpn., *Ex parte* Vardy
Reg. v. South Bank University, *Ex parte* Coggeran [2000] I.C.R. 1342
Reg. v. Sussex Police Authority, *Ex parte* Stewart [2000] I.C.R. 1122
Reg. v. Swan Hunter Shipbuilders Ltd. [1981] I.C.R. 831
Reg. v. Tomlinson [1974] I.C.R. 310
Reg. v. Walsall Metropolitan Borough Council, *Ex parte* Yapp [1994] I.C.R. 528
Reg. v. Warren [1974] I.C.R. 310
Regeling v. Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid (Case C-125/97) [1999] I.C.R. 605
Reid v. Camphill Engravers [1990] I.C.R. 435
Reid v. Rush & Tompkins Group Plc. [1990] I.C.R. 61
Retarded Children's Aid Society Ltd. v. Day [1978] I.C.R. 437
Reuben v. Brent London Borough Council [2000] I.C.R. 102
Rice v. Fon-A-Car [1980] I.C.R. 133
Richardson (Case C-137/94), *Ex parte. See* Reg. v. Secretary of State for Health, *Ex parte* Richardson (Case C-137/94)
Richardson v. Pitt-Stanley [1995] I.C.R. 303
Rickard v. P.B. Glass Supplies Ltd. [1990] I.C.R. 150
Rigby v. British Steel Corpn. [1973] I.C.R. 160
Rigby v. Ferodo Ltd. [1987] I.C.R. 457; [1988] I.C.R. 29
Riley v. Chief Adjudication Officer [1988] I.C.R. 102
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Roach v. C.S.B. (Moulds) Ltd. [1991] I.C.R. 349
Road Transport Industry Training Board v. Hales Containers Ltd. [1988] I.C.R. 640; [1990] I.C.R. 116
Road Transport Industry Training Board v. Ongaro [1977] I.C.R. 523
Robb v. Hammersmith and Fulham London Borough Council [1991] I.C.R. 514
Robb v. Leon Motor Services Ltd. [1978] I.C.R. 506
Roberts v. Birds Eye Walls Ltd. [1991] I.C.R. 43
Roberts v. Birds Eye Walls Ltd. (Case C-132/92) [1994] I.C.R. 338
Roberts v. Cleveland Area Health Authority [1978] I.C.R. 370; [1979] I.C.R. 558
Roberts v. Tate & Lyle Food and Distribution Ltd. [1983] I.C.R. 521
Roberts v. Tate & Lyle Industries Ltd. (Case 151/84) [1986] I.C.R. 371
Robertson v. British Gas Corpn. [1983] I.C.R. 351
Robinson v. British Island Airways Ltd. [1978] I.C.R. 304
Robinson v. Crompton Parkinson Ltd. [1978] I.C.R. 401
Rock Refrigeration Ltd. v. Jones [1997] I.C.R. 938
Rockfon A/S v. Specialarbejderforbundet i Danmark (Case C-449/93) [1996] I.C.R. 673
Roebuck v. National Union of Mineworkers (Yorkshire Area) [1977] I.C.R. 573
Roebuck v. National Union of Mineworkers (Yorkshire Area) (No. 2) [1978] I.C.R. 676
Rogers v. Bodfari (Transport) Ltd. [1973] I.C.R. 325
Rogers v. Chloride Systems Ltd. [1992] I.C.R. 198
Rogers v. Vosper Thornycroft (U.K.) Ltd. [1988] I.C.R. 305; [1989] I.C.R. 384
Rolfe v. Midland Bank Plc. *See* Alexander v. Midland Bank Plc.
Rolls Royce Motors Ltd. v. Dewhurst [1985] I.C.R. 869
Rolls-Royce Plc. v. Doughty [1987] I.C.R. 932; [1992] I.C.R. 538
Roscoe v. Hick Hargreaves & Co. Ltd. [1991] I.C.R. 501
Rosedale Mouldings Ltd. v. Sibley [1980] I.C.R. 816
Rose v. Plenty [1975] I.C.R. 430
Rose (M. S.) (Heating) Ltd. v. Edgington [1977] I.C.R. 844
Ross v. Delrosa Caterers Ltd. [1981] I.C.R. 393
Rothwell v. Association of Professional Executive Clerical and Computer Staff [1976] I.C.R. 211
Roux International Ltd. v. Licudi [1975] I.C.R. 424
Rovenska v. General Medical Council [1998] I.C.R. 85
Rowan v. Machinery Installations (South Wales) Ltd. [1981] I.C.R. 386

Rowbotham v. Arthur Lee & Sons Ltd. [1975] I.C.R. 109
Rowley, Holmes & Co. v. Barber [1977] I.C.R. 387
Royal Institution of Chartered Surveyors' Application, *In re* [1985] I.C.R. 330; [1986] I.C.R. 550
Royal Institution of Chartered Surveyors v. Director General of Fair Trading. *See* Royal Institution of Chartered Surveyors' Application, *In re*
Royal Ordnance Plc. v. Pilkington [1988] I.C.R. 606; [1989] I.C.R. 737
Royal Society for the Prevention of Cruelty to Animals v. Cruden [1986] I.C.R. 205
Royal Society for the Protection of Birds v. Croucher [1984] I.C.R. 604
Royle v. Globtik Management Ltd. [1977] I.C.R. 552
Rubenstein v. McGloughlin [1997] I.C.R. 318
Ruff v. Smith [1976] I.C.R. 118
Rummler v. Dato-Druck G.m.b.H. (Case 237/85) [1987] I.C.R. 774
Runnalls v. Richards & Osborne Ltd. [1973] I.C.R. 225
Rushton v. Harcros Timber & Building Supplies Ltd. [1993] I.C.R. 230
Russell v. Elmdon Freight Terminal Ltd. [1989] I.C.R. 629
Ruta, The [2000] I.C.R. 1024
Rutten v. Cross Medical Ltd. (Case C-383/95) [1997] I.C.R. 715
Ryan v. Shipboard Maintenance Ltd. [1980] I.C.R. 88
Ryan (L.) Holdings Ltd. v. James [1976] I.C.R. 424
Ryan Plant International Ltd. v. Price [1976] I.C.R. 424
Rybak v. Jean Sorelle Ltd. [1991] I.C.R. 127
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102 Social Club and Institute Ltd. v. Bickerton [1977] I.C.R. 911
S.I. (Systems & Instrumentation) Ltd. v. Grist [1983] I.C.R. 788
S.I.P. Industrial Products Ltd. v. Swinn [1994] I.C.R. 473
S. & U. Stores Ltd. v. Wilkes [1974] I.C.R. 645
Saeed v. Inner London Education Authority [1985] I.C.R. 637
Safeway Stores Plc. v. Burrell [1997] I.C.R. 523
Saggers v. British Railways Board [1977] I.C.R. 809
Saggers v. British Railways Board (No. 2) [1978] I.C.R. 1111
Sainsbury (J.) Ltd. v. Savage [1979] I.C.R. 96; [1981] I.C.R. 1
Sainsbury (J.) Plc. v. Moger [1994] I.C.R. 800
St. Anne's Board Mill Co. Ltd. v. Brien [1973] I.C.R. 444
St. Basil's Centre Ltd. v. McCrossan [1992] I.C.R. 140
St. John of God (Care Services) Ltd. v. Brooks [1992] I.C.R. 715
St. Matthias Church of England School (Board of Governors of) v. Crizzle [1993] I.C.R. 401
St. Mungo Community Trust v. Colleano [1980] I.C.R. 254
Salvesen v. Simons [1994] I.C.R. 409
Sanders v. Ernest A. Neale Ltd. [1974] I.C.R. 565
Sanders v. F. H. Lloyd & Co. Ltd. [1982] I.C.R. 360
Santer v. NGA [1973] I.C.R. 60
Santokh Singh v. Guru Nanak Gurdwara [1990] I.C.R. 309
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Saunders v. Bakers, Food and Allied Workers' Union [1986] I.C.R. 28
Saunders v. Richmond-upon-Thames London Borough Council [1978] I.C.R. 75
Savage v. Saxena [1998] I.C.R. 357
Sawyer v. Ahsan [2000] I.C.R. 1
Scally v. Southern Health and Social Services Board [1991] I.C.R. 771
Scarlett v. Godfrey Abbott Group Ltd. [1978] I.C.R. 1106
Scarth v. Economic Forestry Ltd. [1973] I.C.R. 322
Schmidt v. Austicks Bookshops Ltd. [1978] I.C.R. 85
Schmidt v. Deutsche Angestellten-Krankenkasse (Case C-409/92). *See* Stadt Lengerich v. Helmig (Case C-399/92)
Schmidt v. Spar- und Leihkasse der Früheren Ämter Bordesholm, Kiel und Cronshagen (Case C-392/92) [1995] I.C.R. 237
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Schofield v. Chief Constable of West Yorkshire Police [1999] I.C.R. 193
Schultz v. Esso Petroleum Co. Ltd. [1999] I.C.R. 1202
Science Research Council v. Nassé [1978] I.C.R. 777, 1124
Scott v. Aveling Barford Ltd. [1978] I.C.R. 214
Scott v. Coalite Fuels & Chemicals Ltd. [1988] I.C.R. 355
Scott v. Creager [1979] I.C.R. 403
Scottish Co-operative Wholesale Society Ltd. v. Lloyd [1973] I.C.R. 137

Scottish & Newcastle Breweries Plc. v. Halliday [1986] I.C.R. 577
Scullard v. Knowles [1996] I.C.R. 399
Seaboard World Airlines Inc. v. TGWU [1973] I.C.R. 458
Sealand Petroleum Co. Ltd. v. Barratt [1986] I.C.R. 423
Secretary of State for Employment v. Anchor Hotel (Kippford) Ltd. [1985] I.C.R. 724
Secretary of State for Employment v. ASLEF [1972] I.C.R. 7
Secretary of State for Employment v. ASLEF (No. 2) [1972] I.C.R. 19
Secretary of State for Employment v. Atkins Auto Laundries Ltd. [1972] I.C.R. 76
Secretary of State for Employment v. Banks [1983] I.C.R. 48
Secretary of State for Employment v. Cameron Iron Works [1988] I.C.R. 297; [1989] I.C.R. 664
Secretary of State for Employment v. Chandler [1986] I.C.R. 436
Secretary of State for Employment v. Chapman [1989] I.C.R. 771
Secretary of State for Employment v. Cheltenham Computer Bureau Ltd. [1985] I.C.R. 381
Secretary of State for Employment v. Clark. *See* Clark v. Secretary of State for Employment
Secretary of State for Employment v. Cohen [1987] I.C.R. 570
Secretary of State for Employment v. Cooper [1987] I.C.R. 766
Secretary of State for Employment v. Cox [1984] I.C.R. 867
Secretary of State for Employment v. Deary [1984] I.C.R. 413
Secretary of State for Employment v. Doulton Sanitaryware Ltd. [1981] I.C.R. 477
Secretary of State for Employment v. Ford (A.) & Son (Sacks) Ltd. [1986] I.C.R. 882
Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1978] I.C.R. 473, 1041; [1979] I.C.R. 706
Secretary of State for Employment v. Haynes [1980] I.C.R. 371
Secretary of State for Employment v. Helitron Ltd. [1980] I.C.R. 523
Secretary of State for Employment v. Jobling [1980] I.C.R. 380
Secretary of State for Employment v. John Woodrow & Sons (Builders) Ltd. [1983] I.C.R. 582
Secretary of State for Employment v. Levy [1990] I.C.R. 18
Secretary of State for Employment v. Mann [1996] I.C.R. 197; [1997] I.C.R. 209, 351; [1999] I.C.R. 898
Secretary of State for Employment v. Newcastle upon Tyne City Council [1980] I.C.R. 407
Secretary of State for Employment v. Reeves [1993] I.C.R. 508
Secretary of State for Employment v. Rooney [1977] I.C.R. 440
Secretary of State for Employment v. Spence [1986] I.C.R. 181, 651
Secretary of State for Employment v. Stone [1994] I.C.R. 761
Secretary of State for Employment v. Wellworthy Ltd. [1973] I.C.R. 477
Secretary of State for Employment v. Wellworthy Ltd. (No. 2) [1976] I.C.R. 13
Secretary of State for Employment v. Wilson [1978] I.C.R. 200; [1997] I.C.R. 408
Secretary of State for the Environment v. Cumbria County Council [1983] I.C.R. 52
Secretary of State for Trade and Industry v. Bottrill [1998] I.C.R. 564; [1999] I.C.R. 592
Secretary of State for Trade and Industry v. Cook [1997] I.C.R. 288
Secretary of State for Trade and Industry v. Forde [1997] I.C.R. 231
Seldun Transport Services Ltd. v. Baker [1978] I.C.R. 1035
Selfridges Ltd. v. Malik [1998] I.C.R. 268
Seligman (Robert) Corpn. v. Baker [1983] I.C.R. 770
Selkent Bus Co. Ltd. v. Moore [1996] I.C.R. 836
Sengupta v. Republic of India [1983] I.C.R. 221
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Severn Trent Water Authority v. National Graphical Association [1979] I.C.R. 664
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Shaw v. West Ella Developments Ltd. [1978] I.C.R. 856
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Sheehan v. Post Office Counters Ltd. [1999] I.C.R. 734
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Sheet Metal Components Ltd. v. Plumridge [1974] I.C.R. 373
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Sheffield Metropolitan District Council v. Siberry [1989] I.C.R. 208
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Sheringham Development Co. Ltd. v. Browne [1977] I.C.R. 20
Sheriff v. Klyne Tugs (Lowestoft) Ltd. [1999] I.C.R. 1170
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Shields Furniture Ltd. v. Goff [1973] I.C.R. 187
Shipping Company Uniform Inc. v. International Transport Workers Federation [1985] I.C.R. 245
Shipside (Ruthin) Ltd. v. TGWU [1973] I.C.R. 503
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Shove v. Downs Surgical Plc. [1984] I.C.R. 532
Showboat Entertainment Centre Ltd. v. Owens [1984] I.C.R. 65
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Sillars v. Charrington Fuels Ltd. [1988] I.C.R. 505; [1989] I.C.R. 475
Sim v. Rotherham Metropolitan Borough Council [1986] I.C.R. 897
Simmons v. Hoover Ltd. [1977] I.C.R. 61
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Simpson v. Dickinson [1972] I.C.R. 474
Sindall (William) Ltd. v. North West Thames Regional Health Authority [1976] I.C.R. 243; [1977] I.C.R. 294
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Singh v. Post Office [1973] I.C.R. 437
Singh v. Rowntree MacKintosh Ltd. [1979] I.C.R. 554
Sirdar v. Army Board (Case C-273/97) [2000] I.C.R. 130
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Skilton v. T. & K. Home Improvements Ltd. [2000] I.C.R. 1162
Skyrail Oceanic Ltd. v. Coleman [1980] I.C.R. 596; [1981] I.C.R. 864
Slack v. Greenham (Plant Hire) Ltd. [1983] I.C.R. 617
Slater v. John Swain & Son Ltd. [1981] I.C.R. 554
Slaughter v. C. Brewer & Sons Ltd. [1990] I.C.R. 730
Slaven v. Thermo Engineers Ltd. [1992] I.C.R. 295
Smith, *Ex parte. See* Reg. v. Ministry of Defence, *Ex parte* Smith
Smith v. Automobile Proprietary Ltd. [1973] I.C.R. 306
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Smith v. Gardner Merchant Ltd. [1996] I.C.R. 790; [1999] I.C.R. 134
Smith v. Glasgow City District Council [1987] I.C.R. 796
Smith v. Gwent District Health Authority [1996] I.C.R. 1044
Smith v. Hayle Town Council [1978] I.C.R. 996
Smith v. Post Office [1978] I.C.R. 283
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Snowball v. Gardner Merchant Ltd. [1987] I.C.R. 719
Snoxell v. Vauxhall Motors Ltd. [1977] I.C.R. 700
Sogbetun v. Hackney LBC [1998] I.C.R. 264, EAT
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South Durham Health Authority v. UNISON [1995] I.C.R. 495
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South West Launderettes Ltd. v. Laidler [1986] I.C.R. 455
Southwark (Diocese of) v. Coker [1995] I.C.R. 563; [1996] I.C.R. 896; [1998] I.C.R. 140
Southwood Hostel Management Committee v. Taylor [1979] I.C.R. 813
Sovereign Distribution Services Ltd. v. Transport and General Workers' Union [1990] I.C.R. 31
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Spillers-French (Holdings) Ltd. v. Union of Shop, Distributive and Allied Workers [1980] I.C.R. 31

Spinpress Ltd. v. Turner [1986] I.C.R. 433
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Springboard Sunderland Trust v. Robson [1992] I.C.R. 554
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Stacey v. Babcock Power Ltd. [1986] I.C.R. 221
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Staffordshire County Council v. Barber [1996] I.C.R. 379
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Stannard & Co. (1969) Ltd. v. Wilson [1983] I.C.R. 86
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Stock v. Frank Jones (Tipton) Ltd. [1976] I.C.R. 237; [1977] I.C.R. 976; [1978] I.C.R. 347
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Stockton-on-Tees Borough Council v. Brown [1986] I.C.R. 842; [1987] I.C.R. 897; [1988] I.C.R. 410
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Surrey County Council v. Lewis [1986] I.C.R. 404; [1987] I.C.R. 232, 982
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Taylor, *Ex parte*. *See* Reg. v. Secretary of State for Social Security, *Ex parte* Taylor (Case C-382/98)
Taylor v. John Webster Buildings Civil Engineering [1999] I.C.R. 561
Taylor v. Secretary of State for Scotland [2000] I.C.R. 595
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Thompson v. Smiths Shiprepairers (North Shields) Ltd. [1984] I.C.R. 236
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Tottenham Green Under Five's Centre v. Marshall (No. 2) [1991] I.C.R. 320
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Tower Hamlets Health Authority v. Anthony [1988] I.C.R. 499; [1989] I.C.R. 656
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Tower Hamlets London Borough Council v. Rabin [1989] I.C.R. 693
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Training Commission v. Jackson [1990] I.C.R. 222
Tramp Shipping Corpn. v. Greenwich Marine Inc. [1975] I.C.R. 261
Transport and General Workers' Union v. Howard [1992] I.C.R. 106
Transport and General Workers' Union v. Ledbury Preserves (1928) Ltd. [1986] I.C.R. 855
Transport and General Workers' Union v. Webber [1990] I.C.R. 711
Treganowan v. Robert Knee & Co. Ltd. [1975] I.C.R. 405
Trend v. Chiltern Hunt Ltd. [1977] I.C.R. 612

Trevelyans (Birmingham) Ltd. v. Norton [1991] I.C.R. 488
Triesman v. Open University [1978] I.C.R. 524
Trimble v. Supertravel Ltd. [1982] I.C.R. 440
Trotman v. British Railways Board [1975] I.C.R. 95
Truck v. National Freight Corpn. [1979] I.C.R. 123
Trust Houses Forte Ltd. v. Wade [1979] I.C.R. 664
Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154
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Tull v. Severin [1998] I.C.R. 1037
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Turiddu, The [2000] I.C.R. 354
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Turner v. Grovit [1999] I.C.R. 1114
Turner v. London Transport Executive [1977] I.C.R. 952
Turner v. Vestric Ltd. [1980] I.C.R. 528
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U.K. Waste Control Ltd. v. Wren [1995] I.C.R. 974
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UPW v. TSA [1974] I.C.R. 658
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Union Cartage Co. Ltd. v. Blunden [1977] I.C.R. 420
Union of Construction, Allied Trades and Technicans v. Brain [1980] I.C.R. 779; [1981] I.C.R. 542
Union of Construction, Allied Trades and Technicians v. Burrage [1978] I.C.R. 314
Union of Construction, Allied Trades and Technicians v. H. Rooke & Son (Cambridge) Ltd. [1978] I.C.R. 818
Union of Democratic Mineworkers, *Ex parte. See* Reg. v. British Coal Corpn., *Ex parte* Union of Democratic Mineworkers
Union of Shop, Distributive and Allied Workers v. Sketchley Ltd. [1981] I.C.R. 644
Union Traffic Ltd. v. Transport and General Workers' Union [1989] I.C.R. 644
Union Arab Emirates v. Abdelghafar [1995] I.C.R. 65
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Universe Tankships Inc. of Monrovia v. International Transport Workers Federation [1981] I.C.R. 129; [1982] I.C.R. 262
University College at Buckingham v. Phillips [1982] I.C.R. 318
University College London Hospitals N.H.S. Trust v. UNISON [1999] I.C.R. 204
University of Aston in Birmingham v. Malik [1984] I.C.R. 492
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University of Nottingham v. Fishel [2000] I.C.R. 1462

Valor Newhome Ltd. v. Hampson [1982] I.C.R. 407
van den Akker v. Stichting Shell Pensioenfonds (Case C-28/93). *See* Smith v. Avdel Systems Ltd. (Case C-408/92)
Vardy, *Ex parte. See* Reg. v. British Coal Corporation, *Ex parte* Vardy
Varndell v. Kearney & Trecker Marwin Ltd. [1983] I.C.R. 683
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Vauxhall Motors Ltd. v. Ghafoor [1993] I.C.R. 376
Veness v. National Union of Public Employees [1992] I.C.R. 193

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Viho Europe B.V. v. Commission of the European Communities (Case T-102/92) [1995] I.C.R. 1050
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Vokes Ltd. v. Bear [1974] I.C.R. 1
Vosper Thornycroft (U.K.) Ltd. v. Transport and General Workers' Union [1988] I.C.R. 270
Vougioukas v. Idrima Koinonikon Asphalisseon (Case C-443/93) [1996] I.C.R. 913
Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93) [1995] I.C.R. 635

WHPT Housing Association Ltd. v. Secretary of State for Social Services [1981] I.C.R. 737
W.P.M. Retail Ltd. v. Lang [1978] I.C.R. 787
Waddington v. Leicester Council for Voluntary Service [1977] I.C.R. 266
Wadi v. Cornwall and Isles of Scilly Family Practitioner Committee [1985] I.C.R. 492
Waggott v. Swan Hunter Shipbuilders Ltd. [1984] I.C.R. 236
Wailes Dove Bitumastic Ltd. v. Woolcocks [1977] I.C.R. 817
Waite v. Government Communications Headquarters [1983] I.C.R. 359, 653
Walden Engineering Co. Ltd. v. Warrener [1993] I.C.R. 967
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Walker v. Northumberland County Council [1995] I.C.R. 702
Walker (J. H.) Ltd. v. Hussain [1996] I.C.R. 291
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Walsh, *Ex parte. See* Reg. v. East Berkshire Health Authority, *Ex parte* Walsh
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Walter Braund (London) Ltd. v. Murray [1991] I.C.R. 327
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Warnett v. Jones [1980] I.C.R. 359
Warnock v. Scarborough Football Club [1989] I.C.R. 489
Warren v. Mendy [1989] I.C.R. 525
Washington Arts Association Ltd. v. Forster [1983] I.C.R. 346
Wass (W. & J.) Ltd. v. Binns [1982] I.C.R. 486
Waters v. Comr. of Police of the Metropolis [1995] I.C.R. 510; [1997] I.C.R. 1073; [2000] I.C.R. 1064
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Watson v. Prager [1991] I.C.R. 603
Watts v. Rubery Owen Conveyancer Ltd. [1977] I.C.R. 429
Watts v. Seven Kings Motor Co. Ltd. [1983] I.C.R. 135
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Webb v. Emo Air Cargo (U.K.) Ltd. (Case C-32/93) [1994] I.C.R. 770
Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1995] I.C.R. 1021
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West Midlands Co-operative Society Ltd. v. Tipton [1985] I.C.R. 444; [1986] I.C.R. 192
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West Midlands Travel Ltd. v. Transport and General Workers' Union [1994] I.C.R. 978
West Yorkshire Metropolitan District Council v. Platts [1978] I.C.R. 33
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Widdicombe v. Longcombe Software Ltd. [1998] I.C.R. 710
Wigan Borough Council v. Davies [1979] I.C.R. 411
Wignall v. British Gas Corpn. [1984] I.C.R. 716
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Williams v. Watsons Luxury Coaches Ltd. [1990] I.C.R. 536
Williams v. West Wales Plant Hire Co. Ltd. [1985] I.C.R. 6
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I.C.R. 1972 to 2000

ADMIRALTY

Maritime lien

Crew's pay

Crew recruited in Cuba by local agencies—Wages paid in part on board and part by agreement through agency in Cuba—Arrest and sale of ship—Whether current and former crew entitled to lien over proceeds for allotted part of unpaid wages **The Turiddu,** C.A. [2000] I.C.R. 354

Priority

Vessel colliding with three yachts—One owner taking over arrested vessel as caveator and releasing on undertaking from P. & I. club—Subsequent insolvency of P. & I. club—Proceeds of sale of vessel only fund available to meet all claims—Whether collision damage claimants having priority over unpaid crew—Whether caveator entitled to same priority as other damage claimants **The Ruta,** David Steel J. [2000] I.C.R. 1024

ANTIGUA AND BARBUDA

Employment

Unfair dismissal

Reason for dismissal—Employer failing on request to furnish written statement of precise reason for termination of employment—Proceedings for unfair dismissal—Whether employer estopped from introducing testimony of employees' alleged misconduct—Antigua and Barbuda Labour Code, s. C10(1)(3)(4)—Industrial Court Act 1976, ss. 9(1), 10(3), 19(1)
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Safety regulations

Application

Property owner using independent contractors to rehabilitate house—Whether owner "contractor" undertaking building operations—Construction (Working Places) Regulations 1966, reg. 3(1) **Kealey v. Heard,** Mann J. [1983] I.C.R. 484

Roofing subcontractor engaging independent contractor—Duty owed by main and subcontractor to independent contractor under safety regulations—Construction (Working Places) Regulations 1966, reg. 3(1)(*a*)
Clare v. L. Whittaker & Son (London) Ltd., Judge Edgar Fay Q.C. [1976] I.C.R. 1

Plant

Duty to ensure that plant adequately and securely supported—Hire company's driver operating crane hired to builder—Collapse of crane owing to soft land causing injury to driver—Whether hire company "undertaking" building operations—Whether liable to driver for breach of regulations—Construction (Lifting Operations) Regulations 1961, regs. 3, 11(1)
Williams v. West Wales Plant Hire Co. Ltd., C.A. [1985] I.C.R. 6

Duty to fence dangerous part of machinery—Employee carrying out routine maintenance of excavator—Hand caught by rotating radiator fan—Whether excavator in "work or use" at time of accident—Construction (General Provisions) Regulations 1961, regs. 3(1), 42
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Subcontractor

Labour only subcontract—Unskilled workman injured using truck on site under contractors' direction—Whether subcontractors "using" vehicle—Whether liable to workman for breach of regulations—Construction (General Provisions) Regulations 1961, regs. 3, 32, 37
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Employment of child

Offence

Milk roundsman unlawfully employing child—Milk roundsman acting without employers' consent and contrary to instructions—Liability of employers—Children and Young Persons Act 1933, s. 21
Portsea Island Mutual Co-operative Society Ltd. v. Leyland, D.C. [1978] I.C.R. 1195

CONFIDENTIAL INFORMATION

Breach of confidence

Employment

Engineer acquiring knowledge during course of employment—Leaving and forming company allegedly using former employer's apparatus—No relevant restriction in contract of employment—Whether apparatus protectable confidential information
A. T. Poeton (Gloucester Plating) Ltd. v. Horton, C.A. [2000] I.C.R. 1208

Managing director having access to and copying employer's confidential information—Information used to contact and contract with employer's customers—Unfair advantage obtained by use of information—Injunction prohibiting use of information—Whether prohibition to be limited in time **Roger Bullivant Ltd. v. Ellis,** C.A. [1987] I.C.R. 464

CONFIDENTIAL INFORMATION —*continued*

Breach of confidence *continued*

Employment—continued

Salesmen acquiring skill and knowledge during course of employment—Salesmen leaving and forming company in competition with employer's business—Whether knowledge of employer's customers confidential—Whether use of knowledge in breach of implied term of contract—Whether actionable conspiracy

Faccenda Chicken Ltd. v. Fowler, Goulding J. [1984] I.C.R. 589
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Public interest

Former employee of company providing financial services—Threat to disclose confidential information to regulatory body and revenue—No threat of disclosure to public—Whether company entitled to injunction *In re* **A Company's Application,** Scott J. [1989] I.C.R. 449

Company director

Disclosure and use of information

Managing director's breach of fidelity and good faith to company—Whether express or implied obligation not to disclose or use information—Test of confidential information

Thomas Marshall (Exports) Ltd. v. Guinle, Sir Robert Megarry V.-C. [1978] I.C.R. 905

CONFLICT OF LAWS

Collective agreement

Proper law

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Monterosso Shipping Co. Ltd. v. International Transport Workers Federation,
C.A. [1982] I.C.R. 675

Jurisdiction

Employment

Employee working in several states party to Brussels Convention—Proceedings after dismissal—Criteria for determining "place . . . where the employee habitually carries out his work"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art. 5(1)

Rutten v. Cross Medical Ltd. (Case C-383/95), E.C.J. [1997] I.C.R. 715

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Employee commencing proceedings in England against corporate employer for unfair dismissal—Employment tribunal accepting jurisdiction—Proceedings subsequently commenced in Spain against employee by another member of corporate group—Whether English and Spanish proceedings between same parties—Whether employment tribunal first seised of proceedings—Civil Jurisdiction and Judgments Act 1982, Sch. 1 (as substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990), art. 21

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Sovereign immunity

Contract of employment see also INDUSTRIAL RELATIONS: **Employment tribunals**: *Jurisdiction*

British national employed at foreign embassy Whether member of mission Employee supplied with letter from solicitors to embassy official stating staff entitled to protection of employment legislation—Whether "prior written agreement" to submit to jurisdiction—Whether jurisdiction to hear unfair dismissal complaint—State Immunity Act 1978, ss. 2(2), 4, 16(1)(*a*)—Vienna Convention on Diplomatic Relations, art. 1

Ahmed v. Government of the Kingdom of Saudi Arabia, C.A. [1996] I.C.R. 25

Complaint of unfair dismissal—Claim of sovereign immunity—Industrial tribunal accepting jurisdiction in employers' absence—Duty to give effect to immunity—Whether time in which to appeal to be extended—State Immunity Act 1978, ss. 1, 4

United Arab Emirates v. Abdelghafar, E.A.T. [1995] I.C.R. 65

Complaint of unfair dismissal against authority forming part of department of foreign state—Director of authority entering appearance—High Commissioner stating submission to jurisdiction not authorised—Whether open to tribunal to find submission to jurisdiction—State Immunity Act 1978, s. 2

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Sovereign immunity—*continued*

Contract of employment—continued

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Arab Republic of Egypt v. Gamal-Eldin, E.A.T. [1996] I.C.R. 13

Indian national dismissed from employment at High Commission—Complaint of unfair dismissal—Claim of sovereign immunity—Whether industrial tribunal having jurisdiction to hear complaint—State Immunity Act 1978, ss. 1(1), 4, 23(3)
Sengupta v. Republic of India, E.A.T. [1983] I.C.R. 221

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Less favourable treatment—*continued*

Opportunities for promotion—Thai born casino employee seeking promotion—Promotion dependent on Gaming Board certificate—Employee's spoken English inadequate for Gaming Board interview—Employers making no provision for employee to improve English—Whether failure to afford access to opportunities for promotion—Race Relations Act 1976, ss. 1(1)(*a*), 4(2)(*b*)
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Application for job as chauffeur entailing driving both company chairman and wife—Finding of racial discrimination—Whether unlawful discrimination—Race Relations Act 1976, s. 4(3) **Heron Corpn. Ltd. v. Commis,** E.A.T. [1980] I.C.R. 713

Requirement or condition

Asian Catholic teacher applying for post as headteacher—Advertisement requiring "committed communicant Christian"—Applicant not communicant—Whether requirement justifiable—Race Relations Act 1976, s. 1(1)(*b*)
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Pressure to discriminate
Employer's request to head of careers not to send coloured school leavers for interview—Whether request "inducement" to commit or "attempt to procure" unlawful act—Race Relations Act 1976, ss. 30. 31 **Commission for Racial Equality v. Imperial Society of Teachers of Dancing,** E.A.T. [1983] I.C.R. 473

Provision of goods, facilities or services
Child in care
Local authority deciding not to allow black child to holiday with white family—Social worker with reponsibility for child objecting to decision—Whether local authority providing "goods, facilities or services" to child—Social worker subsequently subjected to disciplinary proceedings Complaint of victimisation on ground of race because of objection to decision—Race Relations Act 1976, ss. 2(1)(*d*), 20(1), 23(2) Children Act 1989, ss. 22, 23(1) **Conwell v. Newham London Borough Council,** E.A.T. [2000] I.C.R. 42

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Racial or religious dress
Offer of place on nurses training course—Health authority policy forbidding trousers to be worn—Withdrawal of offer of place—Whether indirect discrimination on racial grounds—Race Relations Act 1976, ss. 1(1)(*b*), 4(1)—Enrolled Nurses Rules, Approval Instrument 1969, rr. 58, 59, 60, Sch. 4, para. 3 **Kingston and Richmond Area Health Authority v. Kaur (Tajwinder),** E.A.T. [1981] I.C.R. 631

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Sikh applying for job at confectionery factory—Employees not permitted to have beards—Rule imposed on ground of hygiene—Whether rule "justifiable"—Race Relations Act 1976, s. 1(1)(*b*)(ii) **Singh v. Rowntree MacKintosh Ltd.,** E.A.T. [1979] I.C.R. 554

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Religious belief or political opinion

Employment

Applicant for employment

Solicitors' firms applying for appointment to provide legal services—Applications designating individual solicitors responsible for carrying out work—Whether "contract personally to execute any work"—Complaints by sole practitioner and by partner on failure to appoint—Whether complainants "seeking employment"—Whether appointment "qualification"—Fair Employment (Northern Ireland) Act 1976, ss. 17, 23, 57(1)
Kelly v. Northern Ireland Housing Executive, H.L.(N.I.) [1998] I.C.R. 828

Sex

Acts done under statutory authority

Local authority issuing wrestling licences subject to prohibition on women's wrestling—Licences issued pursuant to local authority statute—Woman wrestler refused employment by promotions company—Industrial tribunal's finding that local authority to be treated as committing act of discrimination—Whether discrimination lawful in order to comply with requirements of instrument made under prior statute—Whether women's wrestling excluded from statute—Sex Discrimination Act 1975, ss. 42(1), 44, 51(1)
Greater London Council v. Farrar, E.A.T. [1980] I.C.R. 266

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Education

Vocational course—Student absent due to pregnancy-related illness—University withdrawing student from course—Student seeking judicial review and bringing county court action for sex discrimination—Proper forum for sex discrimination claim—Whether analogous to dismissal from employment Sex Discrimination Act 1975, ss. 22, 66 (as amended by Race Relations Act 1976, s. 79(4), Sch. 4, para. 5)
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Applicant for employment

Acceptance of offer of articles—Probationary period before signing articles—Male clerk's salary increased on signing articles—Refusal to increase female clerk's salary on signing articles—Whether unlawful discrimination—Sex Discrimination Act 1975, ss. 6, 8
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Armed forces

Refusal to employ woman as chef in Royal Marines—Whether contrary to Community principle of equal treatment—Whether exclusion of women from service in Royal Marines justifiable—Sex Discrimination Act 1975, s. 85(4) (as substituted by Sex Discrimination Act 1975 (Application to Armed Forecs etc.) Regulations 1994)—Council Directive (76/207/E.E.C.), art. 2(2) **Sirdar v. Army Board (Case C-273/97),** E.C.J. [2000] I.C.R. 130

"Arrangements" for applicants

Woman butcher's assistant applying for job—Employers' arrangements for interview not discriminatory—Attitude of interviewer discriminatory—Whether discrimination—Sex Discrimination Act 1975, s. 6(1)(*a*)
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"Arrangements" for applicants—*continued*

Woman golf professional applying for job—Questions at interview concerning suitability because of sex—Whether "arrangements" determining offer of employment—Misunderstanding as to availability for further interview—Failure to be appointed—Whether unlawful discrimination—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(1)(*a*)
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Wages paid without deduction of tax—Employee protesting but accepting wages—Whether contract tainted with illegality—Whether employee precluded from sex discrimination complaint against employer—Sex Discrimination Act 1975, ss. 6(2)(*b*), 82(1)
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Moberly v. Commonwealth Hall (University of London), E.A.T. [1977] I.C.R. 791

Male police officers armed as protection against terrorists—Policy for women officers to be unarmed—Women officers' duties restricted—Requirement for women police officers diminished—Dismissal—Whether policy for protection of women—Whether policy contrary to public policy—Sex Discrimination (Northern Ireland) Order 1976, art. 53(1)(2)—Council Directive (76/207/E.E.C.), arts. 2(2), 6
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Complaint against fellow police officer on secondment to regional crime squad—Whether employed by chief officer of home force—Incidents at social gatherings of squad—Whether "in the course of his employment"—Sex Discrimination Act 1975, ss. 17(1)(7), 41(1) **Chief Constable of Lincolnshire Police v. Stubbs,** E.A.T. [1999] I.C.R. 547

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Man applying for job in women's health club—Application rejected on ground of sex—Whether genuine occupational qualification exception applicable—Sex Discrimination Act 1975, s. 7 **Lasertop Ltd. v. Webster,** E.A.T. [1997] I.C.R. 828

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Women employees resting during shifts in single sex accommodation—Whether employees living in premises—Whether need to rest during shift part of, or incidental to, work—Sex Discrimination Act 1975, s. 7(2)(*b*)(ii)(*c*)
Sisley v. Britannia Security Systems Ltd., E.A.T. [1983] I.C.R. 628

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Applicant alleging sexual barassment by fellow employees following gender reassignment—Whether unlawful discrimination—Whether employers liable—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)—Council Directive (76/207/E.E.C.), art. 5
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Sex—*continued*
Employment—continued
Less favourable treatment—*continued*

Dismissal of transsexual for reason related to sex change Whether discrimination within principle of equal treatment Council Directive (76/207/E.E.C.), art. 5(1)
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Foodstore's rules relating to personal appearance differing for male and female employees—Male delicatessen assistant with ponytail dismissed—Whether less favourable treatment—Whether decision of industrial tribunal perverse—Sex Discrimination Act 1975, s. 1(1)(*a*)
Smith v. Safeway Plc., E.A.T. [1995] I.C.R. 472
C.A. [1996] I.C.R. 868

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Lesbian teacher complaining of pupils' gender-specific abuse—No evidence hypothetical homosexual male would have been treated differently—Whether sex discrimination—Sex Discrimination Act 1975, ss. 1(1), 6(2)
Pearce v. Governing Body of Mayfield Secondary School, E.A.T. [2000] I.C.R. 920

Male colleague's sexually offensive gesture blamed by line manager on applicant's poor relations with staff—Applicant complaining to employer Reports critical of employee ignoring complaint—Whether failure to deal with complaint adequately sex discrimination—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)
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Male complaining of fellow female employee's abusive and offensive comments about his being homosexual man—Employers accepting female employee's version of events and dismissing male—Whether sex discrimination—Whether appropriate comparator homosexual or heterosexual female—Sex Discrimination Act 1975, ss. 1(1)(*a*), 5(3), 6(2)(*b*)
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Pension scheme providing benefits for "widower"—Female member of scheme in long-term relationship with transsexual former female—Whether pension scheme discriminatory—E.C. Treaty, art. 119 **Bavin v. N.H.S. Trust Pensions Agency,** E.A.T. [1999] I.C.R. 1192

Pregnant seafarer precluded by regulations from employment at sea—Employer offering unpaid leave—Whether discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)—Merchant Shipping Notice No. M. 1331, para. XI
P. & O. European Ferries (Dover) Ltd. v. Iverson, E.A.T. [1999] I.C.R. 1088

Prohibition on woman driving vehicle containing chemical—Chemical dangerous to health—Whether safety measure answer to complaint of detriment—Whether prohibition necessary to comply with requirements of previous statute—Health and Safety at Work etc. Act 1974, s. 2—Sex Discrimination Act 1975, ss. 1(1), 6(2)(*b*), 51(1)
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Sex—*continued*
Employment—continued
Less favourable treatment—*continued*

Restrictions on type of clothing worn by employees—Different restrictions for men's and women's apparel—Woman complainant dismissed for wearing trousers—Complaint of unlawful discrimination on ground of sex—Whether less favourable treatment—Sex Discrimination Act 1975, ss. 1(1), 5(3), 6(2)(*b*)
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E.A.T. [1988] I.C.R. 132

Woman subjected to sexual harassment at work—Conduct resulting in transfer to different place of employment—Industrial tribunal finding that employers not treating her less favourably than they would have treated man—Whether conduct subjecting applicant to detriment—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)
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Woman subjected to sexual harassment at work—Industrial tribunal finding employers would treat man no differently—Whether perverse—Sex Discrimination Act 1975, s. 1(1)(*a*) **Stewart v. Cleveland Guest (Engineering) Ltd.,** E.A.T. [1996] I.C.R. 535

Woman subjected to sexual harassment at work—Liability of employers to prevent further acts of harassment—Burden of proof—Sex Discrimination Act 1975, s. 41(1)(3)
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Women not required to do dirty work—Complaint by male employee of "detriment"—Whether unlawful discrimination on ground of sex—Industrial tribunal's order requiring employers to discontinue discriminatory practice—Whether correct—Sex Discrimination Act 1975, ss. 6(2)(*b*), 65 **Ministry of Defence v. Jeremiah,** E.A.T. [1978] I.C.R. 984
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Discrimination against class of person—Policy not to employ women with small children—Justification of policy on need of small business to have reliable employees—Whether discrimination on grounds of sex or marital status—Sex Discrimination Act 1975, ss. 1(1)(*a*), 3(1)(*b*) **Hurley v. Mustoe,** E.A.T. [1981] I.C.R. 40

Discrimination against married woman—Assumption that married women leave employment to join husbands—Whether discrimination on ground of sex—Sex Discrimination Act 1975, s. 1(1)(*a*)(2)
Horsey v. Dyfed County Council, E.A.T. [1982] I.C.R. 755

Married woman applying for Employment Training Scheme traineeship—Application for childcare payment refused on ground that payments only available to lone parents—Complaint of discriminatory condition—Whether condition justifiable—Sex Discrimination Act 1975, s. 3(1)(*b*)(ii)
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Sex *continued*
Employment—continued
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Clark v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 673
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Employees requesting job share on return from maternity leave—Employer rejecting job share in preference for part-time working—Whether discrimination on ground of sex—Whether detriment—Sex Discrimination Act 1975, ss. 1(1), 6(2)
British Telecommunications Plc. v. Roberts, E.A.T. [1996] I.C.R. 625

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Equality of treatment of men and women—Voluntary extension of maternity leave—Available only to mothers—Whether provision for protection of women—Council Directive (76/207/E.E.C.), arts. 1, 2, 5(1)
Hofmann v. Barmer Ersatzkasse (Case 184/83), E.C.J. [1985] I.C.R. 731

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Constable complaining of sexual harassment by sergeant—Whether sergeant liable to fellow officer for discrimination—Sex Discrimination Act 1975, ss. 17(1), 41, 42(2)
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Dismissal for reasons other than pregnancy alone—Whether discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(*a*), 5(3), 6(2)
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Illness attributable to pregnancy or confinement—Employee dismissed on grounds of frequent absences due to illness following pregnancy complications—Employer's policy to dismiss employees with excessive sick leave—Whether inclusion in policy of illness attributable to pregnancy or confinement sex discrimination—Council Directive (76/207/E.E.C.) arts. 2(1), 5(1)
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Sex *continued*
Employment—continued
Pregnancy—*continued*

Pregnant employee dismissed when absent from work without informing employers—Complaint of discrimination—Tribunal finding man with known sickness disability would not have been dismissed -Whether positive evidence of employers' treatment of male employee necessary—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)
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Pregnant unmarried woman employed as school matron—Woman not intending to marry child's father—Dismissal—Whether pregnancy reason for dismissal—Whether discrimination on ground of family status—Sex Discrimination Act 1975, ss. 1(1), 6(2) – Council Directive (76/207/E.E.C.), art. 2(1)
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Pregnant woman applying with other women for post—Application unsuccessful as employers unlikely to be reimbursed by state fund for benefits paid during maternity leave—Whether discrimination justifiable—Council Directive (76/207/E.E.C.), arts. 2(1), 3(1) **Dekker v. Stichting Vormingscentrum voor Jong Volwassenen (VJV-Centrum) Plus (Case 177/88),** E.C.J. [1992] I.C.R. 325

Pregnant woman dismissed by employers—Whether discrimination on ground of sex —Sex Discrimination Act 1975, ss. 1(1), 6(2)(*b*)
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Woman engaged for unlimited term but initially to replace pregnant employee during maternity leave—Dismissal on discovery shortly after appointment of appointee's pregnancy—Whether discrimination on ground of sex—Council Directive (76/207/E.E.C.), arts. 2(1), 5(1)
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Woman engaged for unlimited term but initially to replace pregnant employee during maternity leave—Dismissal shortly after appointment as consequence of pregnancy—Whether dismissal precluded by reason of discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(*a*), 5(3)—Council Directive (76/207/E.E.C.), arts, 2(1), 5(1) **Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2),** H.L.(E.) [1995] I.C.R. 1021

Woman engaged to replace pregnant employee during maternity leave—Dismissal on ground unable to carry out contract because of pregnancy—Whether discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(*a*)(*b*), 5(3)
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Recommendation—Discrimination in failing to promote woman—Award of compensation for loss of wages—Recommendation that employee be considered for promotion when post fell vacant and for payment of salary loss until then—Jurisdiction to make recommendation for payment of salary loss—Whether recommendation to take action within "specified period"—Sex Discrimination Act 1975, s. 65(1)(*c*)
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Sex—*continued*
Employment—continued
Requirement or condition

Civil Service imposing age limit on applicants for job of executive officer—Female applicant over age limit—Whether women "can comply with" condition—Whether discriminatory on ground of sex—Sex Discrimination Act 1975, s. 1(1)(*b*)
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Equally qualified man and woman applying for post—Woman selected on ground of national rule giving priority to women where under-represented—Whether sex discrimination contrary to equal treatment principle—Whether within exception for measures to promote equal opportunity—Council Directive (76/207/E.E.C.), art. 2(1)(4)
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Female part-time out of office hours cleaners dismissed—Male full-time in office hours cleaners retained—Complaints of indirect discrimination—Whether essential to show application of requirement or condition—Sex Discrimination Act 1975, s. 1(1)(*b*)
Bhudi v. I.M.I. Refiners Ltd., E.A.T. [1994] I.C.R. 307

Full-time civil servant seeking to work part-time—Industrial tribunal's finding obligation to work full-time "requirement or condition"—Whether tribunal's finding of unlawful discrimination correct—Sex Discrimination Act 1975, ss. 1(1)(*b*), 6(2)
Home Office v. Holmes, E.A.T. [1984] I.C.R. 687

Full-time librarian seeking to share job with husband after birth of child—Librarian holding senior position—Employers refusing permission to share job—Complaint of unlawful discrimination—Whether full-time working requirement or condition—Whether justifiable—Sex Discrimination Act 1975, ss. 1(1)(*b*), 6(1)(2)
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Part-time employees dismissed first in redundancy situation—Women applicants' complaints of unlawful discrimination—Whether policy of part-time workers first "requirement or condition"—Whether justifiable irrespective of sex—Whether unlawfully discriminatory dismissal necessarily unfair—Sex Discrimination Act 1975, s. 1(1)(*b*)—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Part-time workers—Equal Opportunities Commission maintaining qualifying thresholds for unfair dismissal compensation and redundancy payments in breach of Community law—Secretary of State's letter defending United Kingdom legislation—Whether susceptible to judicial review—Whether commission having locus standi—Whether thresholds objectively justified—Sex Discrimination Act 1975, s. 53(1)—E.E.C. Treaty, art. 119—R.S.C., Ord. 53, r. 1(2)
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Sex—*continued*
Employment—continued
Requirement or condition—*continued*

Qualifying period of two years' employment for unfair dismissal claim—Whether discriminatory—Whether compensation for unfair dismissal "pay"—Test for determining indirect discrimination—Objective justification—Employment Protection (Consolidation) Act 1978, s. 64(1)(*a*) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985)—E.C. Treaty, art. 119—Council Directive (76/207/E.E.C.), art. 5(1)
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Seniority requirement determining allocation of postal walks—Rule denying postwomen permanent status—Cancellation of rule—Refusal of walk to postwoman lacking seniority owing to prior rule—Whether allocation practice justifiable irrespective of sex—Whether unlawful discrimination—Sex Discrimination Act 1975, ss. 1(1)(*b*), 6(2)(*a*)
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Single mother working shifts as train operator—Employer introducing new shifts incompatible with childcare—Applicant only operator unable to comply—Whether "considerably smaller" proportion of women unable to comply—Sex Discrimination Act 1975, s. 1(1)(*b*) **London Underground Ltd. v. Edwards (No. 2),** C.A. [1999] I.C.R. 494

Single mother working shifts as train operator—Employer introducing new shifts incompatible with childcare—Whether discriminatory requirement or condition—Nature of pool for comparison—Whether requirement applied with discriminatory intention—Sex Discrimination Act 1975, ss. 1(1)(*b*), 5(3), 66(3)
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Sunday employment—More women than men employed in retail trade on Sundays—Enforcement of prohibition on Sunday trading—Whether indirect discrimination—Shops Act 1950, s. 47—Sex Discrimination Act 1975, ss. 1(1)(6), 6(1)(2)—Council Directive (76/207/E.E.C.), arts. 3, 5
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Employment—continued
Requirement or condition—*continued*

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Working men's club suspending employee—No prior consultation Club rules giving only members right to be heard—Whether indirect discrimination—Sex Discrimination Act 1975, s. 1(1)(*b*) **Greencroft Social Club and Institute v. Mullen,** E.A.T. [1985] I.C.R. 796

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Company's shares held on behalf of Crown—Employees retired on reaching pension age – Different ages for men and women—Whether company organ or agent of state—Council Directive (76/207/E.E.C.), art. 5(1) **Rolls-Royce Plc. v. Doughty,**
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Equal pay—continued
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Sex *continued*

Equal pay continued

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Female canteen assistant not paid productivity payments—Whether work of broadly similar nature to that of person in higher grade—Relevance of additional responsibility when considering "like work"—Equal Pay Act 1970, s. 1(4)
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Sex *—continued*

Equal pay—continued

Like work *—continued*

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Equal pay –*continued*
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Applicant employed by regional council—Male comparators employed by other regional councils—Whether employed by "associated employer"—Whether relevant comparators—Equal Pay Act 1970, s. 1(6) (as amended by Sex Discrimination Act 1975, s. 8, Sch. 1)—E.E.C. Treaty, art, 119 **Scullard v. Knowles,** E.A.T. [1996] I.C.R. 399

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Sex—*continued*

Equal pay—continued

Same employment—*continued*

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Male bank clerks contributing to pension scheme—Women not contributing to scheme—Men receiving additional gross pay—Whether "terms related to death or retirement"—Whether equality clause excluded—Equal Pay Act 1970, s. 6(1A) (as amended by Sex Discrimination Act 1975, Sch. 1, Pt. 1, para. 3)
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Application more than six months after alleged act of discrimination Whether application "reference" to industrial tribunal—Whether time limit applicable—Equal Pay Act 1970, s. 2(4) (as amended by the Sex Discrimination Act 1975, s. 8(6), Sch. 1, Pt. 1)
Etherson v. Strathclyde Regional Council, E.A.T. [1992] I.C.R. 579

Delay in bringing equal pay proceedings in employment tribunal due to employer's misrepresentation—Award limited by national legislation to two years' arrears—Full compensation potentially recoverable by proceeding in county court—Whether application of two-year rule precluded by Community law—Equal Pay Act 1970, s. 2(5)—E.C. Treaty, art. 119—Council Directive (75/117/E.E.C.), arts. 2, 6
Levez v. T. H. Jennings (Harlow Pools) Ltd. (Case C-326/96), E.C.J. [1999] I.C.R. 521

DISCRIMINATION—*continued*

Sex—*continued*

Equal pay—*continued*

Time limit—*continued*

Dismissal of employee entitled to six months' notice—Employee not required to work during notice period—Employer paying compensation in lieu of notice—Whether employee "employed in the employment" during notice period—Equal Pay Act 1970, s. 2(4) (as amended by Sex Discrimination Act 1975, Sch. 1, Pt. 1)
HQ Service Children's Education (MOD) v. Davitt, E.A.T. [1999] I.C.R. 978

Employee working in different departments during employment—Claims for equality of pay with comparators in department employee not working in during last six months of employment—Whether employee "employed in the employment" during final six months—Equal Pay Act 1970, s. 2(4) (as amended by Sex Discrimination Act 1975, s. 8(6), Sch. 1, Pt. I) **Young v. National Power Plc.,** E.A.T. [2000] I.C.R. 78

Employee's redundancy preceding equalisation of qualifying ages for redundancy payment—Claim to payment based on Community law—Whether domestic time limit applicable—Whether complaint time-barred—Employment Protection (Consolidation) Act 1978, ss. 82(1), 101—Employment Act 1989, s. 16(1)—E.E.C. Treaty, art. 119
Rankin v. British Coal. Corpn., E.A.T. [1995] I.C.R. 774

Time off for trade union duties

Part-time employee attending courses for union representatives—Courses requiring attendance in excess of employee's normal weekly hours—Employee paid only for normal week in respect of time off—Whether contrary to equal pay principle—Trade Union and Labour Relations (Consolidation) Act 1992, s. 169(2)—E.C. Treaty, art. 119
Davies v. Neath Port Talbot County Borough Council, E.A.T. [1999] I.C.R. 1132

Variation due to material difference

Applicants claiming work of equal value with male comparator—Defence of variation due to material factor other than sex—Industrial tribunal considering defence at preliminary hearing—Tribunal's duty to consider merits of defence—Equal Pay Act 1970, s. 1(2)(*c*)(3) (as substituted by Sex Discrimination Act 1975, s. 8(1), Sch. 1, Pt. 1, para. 2(1) and Equal Pay (Amendment) Regulations 1983, reg. 2)—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, rr. 7A, 8(2E)
Reed Packaging Ltd. v. Boozer, E.A.T. [1988] I.C.R. 391

Betting shop situated in area where violence and crime probable—Woman counterhand paid less than male counterhand—Man employed to act as deterrent and assist if trouble occurred in shop—Man having no training for protective role—Whether woman entitled to equal pay—Equal Pay Act 1970, s. 1(3)(4) (as amended by Sex Discrimination Act 1975, s. 8) **Shields v. Coomes (Holdings) Ltd.,** E.A.T. [1977] I.C.R. 795
C.A. [1978] I.C.R. 1159

Employers protecting comparator's pay on engagement in breach of Whitley Council Rules—Whether employers' error material factor other than sex—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2(2))
Yorkshire Blood Transfusion Service v. Plaskitt, E.A.T. [1994] I.C.R. 74

Experienced operator given extra duties and increased pay—Pay protected when extra duties ceasing—Whether variation in pay no longer due to difference other than sex—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Avon and Somerset Police Authority v. Emery, E.A.T. [1981] I.C.R. 229

Female prosthetist employed directly in National Health Service—Rate of pay lower than that offered to male prosthetists recruited from private contractors—Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Rainey v. Greater Glasgow Health Board, H.L.(Sc.) [1987] I.C.R. 129

Hourly rates of pay—Full-time employees receiving higher rates than female part-time employees—Whether variation due to material difference other than sex—Effect of Community law on national law—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))—E.E.C. Treaty, art. 119—Council Directive (75/117/E.E.C.), art. 1
Jenkins v. Kingsgate (Clothing Productions) Ltd. (Case 96/80), E.C.J. [1981] I.C.R. 592
E.A.T. [1981] I.C.R. 715

DISCRIMINATION—*continued*

Sex *continued*

Equal pay—continued

Variation due to material difference—*continued*

House purchase scheme for staff—Married woman refused mortgage allowance under old scheme—Right to allowance continued under new scheme—Male colleagues doing like work receiving allowance—Whether variation due to material difference other than sex—Equal Pay Act, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Sun Alliance and London Insurance Ltd. v. Dudman, E.A.T. [1978] I.C.R. 551

Instructors in special schools paid less than qualified teachers doing like work—No sex discrimination—Whether equality clause operating—Whether employer obliged to establish good reason for disparity in pay—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2(2))
Glasgow City Council v. Marshall, H.L.(Sc.) [2000] I.C.R. 196

Male and female drivers put on common pay band—Special category agreed for women on former pay band—Consequent higher pay rate for women in special category—Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Ministry of Defence v. Farthing, C.A. [1980] I.C.R. 705

Male sales clerk engaged to do like work as woman—Male clerk paid more because of higher wage in previous job—Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Clay Cross (Quarry Services) Ltd. v. Fletcher, E.A.T. [1977] I.C.R. 868
C.A. [1979] I.C.R. 1

Pay protected on transfer to different grade –"Red circling" of male on transfer to lower grade—Protection of pay for lengthy period—Restructuring of grading system—Men in particular grade "red circled" to protect pay—No woman employed in original "red circled" grade—Woman doing like work Whether variation due to material difference—Equal Pay Act 1970. s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Charles Early & Marriott (Witney) Ltd. v. Smith E.A.T. [1977] I.C.R. 700
Snoxell v. Vauxhall Motors Ltd., E.A.T. [1977] I.C.R. 700

Pay protected on transfer to different grade—Transfer to reduce duties of male employee suffering from ill-health—Woman paid less for similar work Whether duration of protection such that variation in pay no longer due to difference other than sex Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Outlook Supplies Ltd.v. Parry, E.A.T. [1978] I.C.R. 388

Rate of pay based on hours worked weekly—Male machinist working longer hours than woman—Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Handley v. H. Mono Ltd., E.A.T. [1979] I.C.R. 147

Shift supervisor claiming equality of pay with male supervisor—Employers claiming difference due to comparator's experience of total quality management—Whether objective justification relevant—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2(2))
Tyldesley v. TML Plastics Ltd., E.A.T. [1996] I.C.R. 356

Successive employments—Reduction in business and profits necessitating dismissal of male office manager—Applicant doing like work at lesser wage—Whether economic factors material difference justifying lower pay—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))—E.E.C. Treaty, art. 119
Albion Shipping Agency v. Arnold, E.A.T. [1982] I.C.R. 22

Transfer to lighter duties of male employee suffering from ill-health—Women paid less for like work—Improvement in man's financial position—Whether protection of earnings—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Methven v. Cow Industrial Polymers Ltd., E.A.T. [1979] I.C.R. 613
C.A. [1980] I.C.R. 463

DISCRIMINATION *continued*
Sex—*continued*
Equal pay—continued
Variation due to material difference—*continued*
Woman bank clerk contractually required to retire at 60—Some employees permitted to retire at 65—Woman's complaint of direct discrimination—Whether employed at establishment with common terms and conditions of employment—Whether variation in retirement ages due to material difference—Whether discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(*a*), 6(2)(*b*)—Equal Pay Act 1970, s. 1(2)(6) (as amended by Sex Discrimination Act 1975, s. 8(6) and Equal Pay (Amendment) Regulations 1983, reg. 2(1)) **Barclays Bank Plc. v. James** E.A.T. [1990] I.C.R. 333

Woman clerical worker in Nottingham working longer hours than male worker doing like work in London office –Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(2)(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
Navy, Army and Air Force Institutions v. Varley, E.A.T. [1977] I.C.R. 11

Woman clerk paid less than male clerk doing "like work"—Wages fixed according to employers' grading scheme based on ability and performance—Whether variation in pay due to material difference other than sex—Burden of proof—Equal Pay Act 1970, s. 1(3) (as amended by Sex Discrimination Act 1975, s. 8(1))
National Vulcan Engineering Insurance Group Ltd. v. Wade, E.A.T. [1977] I.C.R. 455
C.A. [1978] I.C.R. 800

Woman lecturer appointed when financial constraint affecting employers at lower salary than male comparators appointed when no such constraint—Whether less favourable term in lecturer's contract—Whether variation in salary due to material difference other than sex—Equal Pay Act 1970, s. 1(2)(*a*)(3)(*a*) (as substituted by Sex Discrimination Act 1975, s. 8(1) and Equal Pay (Amendment) Regulations 1983, reg. 2))
Benveniste v. University of Southampton, C.A. [1989] I.C.R. 617

Woman secretary paid less than male comparator—Application for declaration of work of equal value—Defence of material difference other than sex—Whether permissible in considering defence to consider factors relevant to content of job—Equal Pay Act 1970, s. 1(2)(3) (as substituted by Sex Discrimination Act 1975, s. 8(1) and Equal Pay (Amendment) Regulations 1983, reg. 2) **Davies v. McCartneys,** E.A.T. [1989] I.C.R. 705

Woman speech therapist claiming equality of pay with male pharmacist—Pay in accordance with collective bargaining agreements—Difference in pay partly due to market forces—Whether employer having to establish objective justification for differences in pay—Whether collective agreements and market forces objective justification—Equal pay Act 1970, s. 1(2)(*c*)(3) (as amended by Equal Pay (Amendment) Regulations 1983, reg. 2(1)(2))—E.E.C. Treaty, art. 119
Enderby v. Frenchay Health Authority, E.A.T. [1991] I.C.R. 382
(Case C-127/92), C.A. and E.C.J. [1994] I.C.R. 112

Women canteen workers engaged on similar work as man—Man doing night shift—Whether engaged on "like work"—Longstanding arrangement that man paid more because of difficulty of recruitment for night work—Whether variation in pay due to material difference other than sex—Whether male comparator to be representative of group—Equal Pay Act 1970, s. 1(3)(4)(6) (as substituted by Sex Discrimination Act 1975, s. 8, Sch. 1, Pt. I, para 1(1) and Equal Pay (Amendment) Regulations 1983, reg. 2)
Thomas v. National Coal Board, E.A.T. [1987] I.C.R. 757

Women canteen workers engaged on similar work as man—Man doing night shift—Whether engaged on "like work"—Man paid more because of difficulty of recruitment—Whether red circled—Whether variation in pay due to material difference other than sex—Equal Pay Act 1970, s. 1(3)(4) (as amended by Sex Discrimination Act 1975, s. 8)
National Coal Board v. Sherwin, E.A.T. [1978] I.C.R. 700

Women doing broadly similar work as men but paid less—Men obliged to transfer to other work—Whether differences of practical importance in relation to terms and conditions of employment –Whether variation in pay due to material difference other than sex—Burden of proof—Equal Pay Act 1970, s. 1(3)(4) (as amended by Sex Discrimination Act 1975, s. 8) **Electrolux Ltd. v. Hutchinson,** E.A.T. [1977] I.C.R. 252

DISCRIMINATION—*continued*
Sex—*continued*
Equal pay—continued
Variation due to material difference—*continued*

Women employed by local authority direct service organisation paid less than male comparators—Local authority's need to compete with commercial undertaking—Whether material factor other than sex—Whether distinction between direct and indirect discrimination to be imported into equal pay legislation—Equal Pay Act 1970, s 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2)
North Yorkshire County Council v. Ratcliffe, H.L.(E.) [1995] I.C.R. 833

Women part-time workers engaged on evening shift—Male comparator on rotating shift cycle including evening work—Both women and comparator working unsocial hours—Comparator receiving allowance for inconvenience of rotating shift—Whether including element for unsocial hours—Whether material factor justifying difference in pay—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2(2)) **Calder v. Rowntree Mackintosh Confectionery Ltd.,** E.A.T. [1992] I.C.R. 372
C.A. [1990] I.C.R. 370

Women teachers receiving less pay for like work to male comparators—Employers' defence based on promotion system combined with financial restraints—Whether genuine material factor not difference of sex—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2(2))
Strathclyde Regional Council v. Wallace, H.L.(Sc.) [1988] I.C.R. 205

Work of equal value

Applicant trained and qualifying as cook in shipbuilders' yard—Job rated as unskilled—Male comparators qualifying for skilled trades in yard—Expert's comparison of jobs—Whether method adopted adequate—Whether applicant's job of equal value to work of male comparators—Equal Pay Act 1970, s. 1(2)(*c*) (as inserted by Equal Pay (Amendment) Regulations 1983, reg. 2(1))
Hayward v. Cammell Laird Shipbuilders Ltd., Industrial Tribunal [1985] I.C.R. 71

Applicants claiming work of equal value with male comparator—Employers contending no reasonable grounds for applicants' claim—Industrial tribunal ordering preparation of expert's report—Tribunal's duty to consider defence before ordering report—Equal Pay Act 1970, ss. 1(2)(*c*), 2A(1)(*a*) (as amended by Sex Discrimination Act 1975, s. 8(1), Sch. 1, Pt. I, para. 2(1) and Equal Pay (Amendment) Regulations 1983, reg. 2)—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, r. 7A
Sheffield Metropolitan District Council v. Silberry, E.A.T. [1989] I.C.R. 208

Applicants claiming work of equal value with male comparator—Industrial tribunal's finding work could be of equal value but variation due to material difference other than sex—Whether tribunal considering relevant factors—Equal Pay Act 1970, s. 1(2)(*c*)(3)(*b*) (as substituted by Sex Discrimination Act 1975, s. 8(1), Sch. 1, Pt. 1, para. 2(1) and Equal Pay (Amendment) Regulations 1983, reg. 2)
McGregor v. General Municipal Boilermakers and Allied Traders Union,
E.A.T. [1987] I.C.R. 505

Applicants claiming work of equal value with male comparator—Other male employees doing like work with applicants—Whether applicants entitled to rely on equal value provisions—Equal Pay Act 1970, s. 1(2)(*a*)(*c*) (as amended by Sex Discrimination Act 1975, s. 8 and Equal Pay (Amendment) Regulations 1983, reg. 2)—E.E.C. Treaty, art. 119—Council Directive (75/117/E.E.C.), art. 1
Pickstone v. Freemans Plc., E.A.T. [1986] I.C.R. 886
C.A. [1987] I.C.R. 867
H.L.(E.) [1988] I.C.R. 697

Applicants' work of higher value than male comparator—Whether applicants entitled to equal pay with comparator—E.E.C. Treaty, art. 119
Murphy v. Bord Telecom Eireann (Case 157/86), E.C.J. [1988] I.C.R. 445

Application for expert's report—Tribunal finding no reasonable prospect of success and dismissing claims—Need to give parties opportunity to adduce expert evidence—Equal Pay Act 1970, ss. 1(2)(*c*), 2A(1) (as inserted by Equal Pay (Amendment) Regulations 1983, regs 2(1), 3(1) and amended by Sex Discrimination and Equal Pay (Miscellaneous Amendments) Regulations 1996, reg. 3))
Wood v. William Ball Ltd., E.A.T. [2000] I.C.R. 277

DISCRIMINATION—*continued*
Sex—*continued*
Equal pay—continued
Work of equal value—*continued*

Employees paid additional supplements based on criteria known only to employer—Evidence that female employees paid less on average than male employees—Whether burden of proof on employer to show that criteria not discriminatory—Whether criteria capable of justification if shown to work systematically to detriment of female employees—Council Directive (75/117/E.E.C.), art. 1
Handels- og Kontorfunktionærernes Forbund i Danmark v. Dansk Arbejdsgiverforening ("Danfoss") (Case 109/88), E.C.J. [1991] I.C.R. 74

Initiation by employers of work evaluation study following applicants' claims for equal pay—Employers seeking stay of proceedings pending completion of study—Whether industrial tribunal having discretion to stay proceedings—Equal Pay Act 1970, s. 1(2)(*c*) (as amended by Sex Discrimination Act 1975, s. 8(6) and Equal Pay (Amendment) Regulations 1983, reg. 2(1))—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, s. 12(2) **Avon County Council v. Foxall,** E.A.T. [1989] I.C.R. 407

Male comparator named in application for equal pay—Application to amend complaint to name different comparator refused—Whether any discretion—Chairman refusing to hold interlocutory hearing to consider application—Whether appropriate—Equal Pay Act 1970, s. 1(2)(*c*) (as inserted by Equal Pay (Amendment) Regulations 1983, reg. 2(1))
Smith v. Gwent District Health Authority, E.A.T. [1996] I.C.R. 1044

Male comparator's salary protected at higher rate on demotion—Defence of difference genuinely due to factor other than sex—Whether permissible for industrial tribunal to consider defence before work evaluated by expert—Equal Pay Act 1970, s. 1(2)(*c*) (as amended by Sex Discrimination Act 1975, s. 8 and Equal Pay (Amendment) Regulations 1983, reg. 2(1))—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, r. 7A(1) **Forex Neptune (Overseas) Ltd. v. Miller,** E.A.T. [1987] I.C.R. 170

Male successor appointed at higher salary—Whether appropriate comparator—Equal Pay Act 1970, s. 1(1) (as substituted by Sex Discrimination Act 1975, s. 8(1))—E.E.C. Treaty, art. 119 **Diocese of Hallam Trustee v. Connaughton,** E.A.T. [1996] I.C.R. 860

Report by independent expert—Completion of report based on representations made by parties' experts—Employers appointing new expert—Employers seeking order requiring applicants to answer questions from new expert—Whether industrial tribunal having jurisdiction to make order—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, rr. 7A, 8(1) **Lloyds Bank Plc. v. Fox,** E.A.T. [1989] I.C.R. 80

Report by independent expert—Industrial tribunal permitting expert to give evidence on report—Whether all relevant facts to be contained in report—Whether report to be admitted—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 2, rr. 7A, 8
Aldridge v. British Telecommunications Plc., E.A.T. [1989] I.C.R. 790

Scale of points for pay increases—Job-sharers converting to full-time work placed at lower point in scale than other full-time workers—Whether indirect discrimination—E.C. Treaty, art. 119—Council Directive (75/117/E.E.C.), art. 1
Hill v. Revenue Comrs. (Case C-243/95), E.C.J. [1999] I.C.R. 48

Women employees claiming equality of pay with male comparators—Subsequent job evaluation study—Whether industrial tribunal to hear evidence of study undertaken after initiation of proceedings—Equal Pay Act 1970, s. 1(2)(*c*) (as amended by Sex Discrimination Act 1975, s. 8(1) and Equal Pay (Amendment) Regulations 1983, reg. 2(1))
Dibro Ltd. v. Hore, E.A.T. [1990] I.C.R. 370

Work of applicant and male comparators of equal value—Applicant's basic pay less than comparators—Other conditions more favourable to applicant—Whether entitlement to complain of inequality in relation to specific term irrespective of benefits under contract as a whole—Equal Pay Act 1970, s. 1(2)(*c*) (as amended by Sex Discrimination Act 1975, s. 8 and Equal Pay (Amendment) Regulations 1983, reg. 2(1))
Hayward v. Cammell Laird Shipbuilders Ltd. (No. 2), E.A.T. [1986] I.C.R. 862
C.A. [1987] I.C.R. 682
H.L.(E.) [1988] I.C.R. 464

DISCRIMINATION *–continued*

Sex *continued*

Provision of goods, facilities or services

Hire-purchase

Requirement that husband be guarantor of married woman's agreement—No comparable requirements for married man—Whether unlawful discrimination –Sex Discrimination Act 1975, ss. 1(1)(*a*), 29(1)(2)(*c*) **Quinn v. Williams Furniture Ltd.,** C.A. [1981] I.C.R. 328

Less favourable treatment

Free swimming provided to persons of state pension age—Whether unlawful discrimination against men—Social Security Act 1975, s. 27(1)—Sex Discrimination Act 1975, ss. 1(1)(*a*)(*b*), 29(1)(*b*) **James v. Eastleigh Borough Council,** C.A. [1989] I.C.R. 423
H.L.(E.) [1990] I.C.R. 554

Time limit *see also* **Sex:** *Equal pay:* Time limit

Amendment

Curate's complaint of unfair dismissal –Addition of complaint of racial discrimination after expiry of time limit—Whether tribunal having jurisdiction
Coker v. Diocese of Southwark, Industrial Tribunal [1995] I.C.R. 563

Failure to offer redundant employee vacant post—Employee seeking to add claim of racial discrimination to complaint of unfair dismissal after discovery of omission—Whether just and equitable to allow amendment—Race Relations Act 1976, s. 68(8)
Berry v. Ravensbourne National Health Service Trust, E.A.T. [1993] I.C.R. 871

Extension of time

Complaint brought more than three months after act of discrimination—Whether industrial tribunal in considering "all the circumstances of the case" having duty to consider merits of complaint—Tribunal's discretion to extend time—Sex Discrimination Act 1975, s. 76(1)(5)
Hutchison v. Westward Television Ltd., E.A.T. [1977] I.C.R. 279

Complaint within three months of Court of Justice decision providing ground for complaint—Whether just and equitable to extend time—Sex Discrimination Act 1975, s. 76(1)(5)
Director of Public Prosecutions v. Marshall, E.A.T. [1998] I.C.R. 518

Health authority employees retired on reaching pension age—Different age for men and women—Applicant dismissed on 60th birthday—Applicant not bringing claim until decision of European Court of Justice in her favour—Complaint out of time—Whether equitable to extend time—Sex Discrimination Act 1975, s. 76(1)(5)
Foster v. South Glamorgan Health Authority, E.A.T. [1988] I.C.R. 526

Women employed in nationalised industry retired at earlier age than men—Complaints several years after retirement—Failure to transpose Directive into national law—Whether domestic time limits applicable—Whether time to be extended –Sex Discrimination Act 1975, ss. 6(2), 76(1)(5)—Council Directive (76/207/E.E.C.), art. 5(1)
Rastall v. Midlands Electricity Plc., E.A.T. [1996] I.C.R. 644

Time when act committed

Bank employees' prior service in Africa not to count in calculating pension entitlement—Complaints of unlawful discrimination –Whether complaints presented within three months of act of discrimination—Whether exclusion of prior service "deliberate omission" or "act extending over a period"—Race Relations Act 1976, ss. 4(2), 68(1)(7), 78(1)
Barclays Bank Plc. v. Kapur, C.A. [1989] I.C.R. 753
H.L.(E.) [1991] I.C.R. 208

Company negotiating to take over employers interviewing and deciding not to employ salesmen—Salesmen learing of decision on completion of take-over—When company "decided" to omit to offer employment –Sex Discrimination Act 1975, ss. 6(1)(*c*), 76(1)(6)(*c*)
Swithland Motors Plc. v. Clarke, E.A.T. [1994] I.C.R. 231

Complaint presented more than three months after notice of dismissal but within three months of termination of employment—Whether complaint presented within three month period—Race Relations Act 1976, ss. 4(2)(*c*), 68(1)(6)
Lupetti v. Wrens Old House, E.A.T. [1984] I.C.R. 348

DISCRIMINATION *continued*

Time limit—*continued*

Time when act committed—continued

Complaint presented more than three months after notice of dismissal but within three months of termination of employment—Whether complaint presented within time limit—Sex Discrimination Act 1975, ss. 6(2)(*b*), 76(1)
Gloucester Working Men's Club & Institute v. James, E.A.T. [1986] I.C.R. 603

Complaint presented within three months of date given in originating application—Whether proper for industrial tribunal to investigate when act committed—Race Relations Act 1976, s. 68(1)(6) **Lindsay v. Ironsides Ray & Vials,** E.A.T. [1994] I.C.R. 384

Dismissal of black employee—Employee invoking employers' internal appeal procedure—Appeal dismissed—Complaint presented within three months of dismissal of appeal but more than three months after termination of employment—Complaint alleging reasons for dismissal not applied to white employees—Whether dismissal of appeal "act complained of"—Whether complaint out of time—Race Relations Act 1976, s. 68(1)
Adekeye v. The Post Office, E.A.T. [1993] I.C.R. 464

Employee refused promotion—Discrimination apparent to employee on appointment of white man to post—Complaint of discrimination out of time—Whether reasonable for employee to defer bringing complaint—Race Relations Act 1976, s. 68(1)(6)
Clarke v. Hampshire Electro-plating Co. Ltd., E.A.T. [1992] I.C.R. 312

Employer refusing pregnant employee's request to work fewer hours on return from maternity leave—Further requests refused after employee's return to work—Employee resigning and presenting complaint—When "act complained of . . . done"—Whether discriminatory act "extending over a period"—Sex Discrimination Act 1975, ss. 63(1), 76(1)(6)
Cast v. Croydon College, E.A.T. [1998] I.C.R. 77
C.A. [1998] I.C.R. 500

Grading of nurses—Nurse's appeal against assigned grade dismissed—Comparator upgraded on appeal—Complaint of unlawful discrimination made more than three months after dismissal of appeal—Whether out of time—Whether grading "act extending over a period"—Race Relations Act 1976, s. 68(1)(7)(*b*)
Sougrin v. Haringey Health Authority, E.A.T. [1991] I.C.R. 791
C.A. [1992] I.C.R. 650

Male teacher promoted over female deputy head of art department—Promotion before coming into force of relevant statutory provisions—Whether act of promotion continuous act—Sex Discrimination Act 1975, ss. 6(1)(2), 76
Amies v. Inner London Education Authority, E.A.T. [1977] I.C.R. 308

Request for limited registration as medical practitioner—Applicant failing to pass or gain exemption from assessment test—General Medical Council refusing repeated requests for exemption—Whether continuing discriminatory act—Whether complaint out of time—Race Relations Act 1976, ss. 12(1), 68 **Rovenska v. General Medical Council,** C.A. [1998] I.C.R. 85

Woman employee refused mortgage subsidy—Male employees entitled to subsidy—Whether exclusion from mortgage subsidy scheme continuing act—Sex Discrimination Act 1975, s. 6(2) **Calder v. James Finlay Corpn. Ltd. (Note),** E.A.T. (Sc.) [1989] I.C.R. 157

Victimisation *see also* **Race:** *Provision of goods, facilities or services*

Race

Applicant complaining of victimisation by union and officials following resignation—Whether unlawful discrimination—Race Relations Act 1976, ss. 11(2)(3), 33
Diakou v. Islington UNISON "A" Branch, E.A.T. [1997] I.C.R. 121

Applicant having brought previous race discrimination proceedings against employer unsuccessfully applying for position—Interviewers aware of previous proceedings—Whether necessary to show consciously motivated by knowledge of proceedings—Whether interviewing and assessment of candidates "arrangements . . . for the purpose of determining who should be offered . . . employment"—Race Relations Act 1976, ss. 2(1), 4(1)(*a*)
Nagarajan v. London Regional Transport, H.L.(E.) [1999] I.C.R. 877

DISCRIMINATION *continued*

Victimisation—*continued*

Race—continued

Applicant's complaint of racial discrimination against employer—Employer refusing to provide reference while complaint pending—Complaint of victimisation—Appropriate comparator—Race Relations Act 1976, s. 2(1)(*a*)
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Local authority officers transferred to regional water authorities—Subsequent transfer back to local authorities—Claim for redundancy payments—Whether employment with water authority employment "in relevant local government service"—Whether continuity of employment preserved—Redundancy Payments (Local Government) (Modification) Order 1983, Sch. 1, para. 4, Sch. 2 appendix, para. 5 (as amended by the Redundancy Payments (Local Government) (Modification) Order 1985, para. 2)
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Adoption

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Agency worker

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Church minister

Curate in Anglican parish—Claim of unfair dismissal—Whether curate employee
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Company director

Full-time managing director's application for redundancy payment—Whether director employee—Employment Protection (Consolidation) Act 1978, s. 153
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No contract of employment—Remuneration voted annually as "directors' emoluments"—Complaint of unfair dismissal—Industrial tribunal's finding that director not "employee"—Jurisdiction to hear complaint—Whether inference of contract of employment question of law—Companies Act 1948, s. 196(2)—Companies Act 1967, s. 26(1)—Trade Union and Labour Relations Act 1974, s. 30(1)
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Different procedures for personal and professional conduct—Investigation into suspected personal misconduct—Employee refusing to attend interview without details of complaints—Disciplinary procedure for personal misconduct instituted—Charges including complaints of professional misconduct—Whether procedure appropriate—Whether employer to be restrained from proceeding with hearing
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Contract of employment *-continued*

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Incidents of contract –continued

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Contract of employment—*continued*

Termination, effective date of

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Contract of employment—*continued*

Termination, effective date of—continued

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Early retirement scheme—Employee taking advantage of scheme—Employer retaining final decision whether employee to be retired under scheme—Whether contract of employment terminated by employer—Whether employee dismissed by reason of redundancy—Employment Protection (Consolidation) Act 1978, ss. 81, 83(2) (*a*)
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Debt due to employee
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Employer's insolvency—*continued*

Debt due to employee —continued

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Foreign corporation

Company having no assets within jurisdiction—Petitioners working for company within jurisdiction unfairly dismissed Petitioners' unsatisfied judgment debt for remuneration—Petitioners seeking winding up order to qualify for payment from redundancy fund—Whether jurisdiction to make order Companies Act 1948, s. 399(5)—Employment Protection (Consolidation) Act 1978, ss. 122(1), 127(1)
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Employer's insolvency—*continued*

Protective award

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Maternity rights

Absence due to pregnancy

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Maternity rights—*continued*

Absence due to pregnancy—continued

Letter of resignation—Complainant leaving to have baby—Employers knowing of complainant's intention to return to work—Whether absent from work because of pregnancy—Claim for unfair dismissal—Whether continuity of employment broken - Employment Protection (Consolidation) Act 1978, s. 33(1)(3), Sch.13, para. 9(1)(*d*)
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Maternity pay

Absence due to pregnancy—Employers' insolvency one week after commencement of statutory period—Employee made redundant—Whether employee absent from work wholly or partly because of pregnancy—Whether employee entitled to payment from maternity pay fund—Employment Protection (Consolidation) Act 1978, ss. 33(1)(3), 34(1)(2) (as amended by Employment Act 1980, s. 11)
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Return to work

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C.A. [1983] I.C.R. 534

Notice of intention to return to work after birth of baby—Failure to give notice three weeks before leaving work—Whether notice given as soon as "reasonably practicable"—Employment Protection Act 1975, s. 35(2)
Nu-Swift International Ltd. v. Mallinson, E.A.T. [1979] I.C.R. 157

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Pay

Unfair remuneration

Company's rates of overtime below rates provided by joint industrial council agreement—Company asserting higher overall wage rates—Reference to Central Arbitration Committee –Whether committee required to look at total remuneration or only at overtime rates—Road Haulage Wages Act 1938, ss. 4(1)(3), 5(3) (as amended by Employment Protection Act 1975, Sch. 16, Pt. IV, para. 4)
Reg. v. Central Arbitration Committee, *Ex parte* **RHM Foods Ltd.,** Mocatta J. [1979] I.C.R. 657

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Entitlement to pension

Employee dismissed after illness-related absences—Whether "retirement"—Whether retirement "by reason of incapacity" **Harris v. Lord Shuttleworth,** C.A. [1994] I.C.R. 991

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Derby Daily Telegraph Ltd. v. Pensions Ombudsman, Rimer J. [1999] I.C.R. 1057

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Southwood Hostel Management Committee v. Taylor, E.A.T. [1979] I.C.R. 813

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Continuity of employment—continued

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de Rosa v. John Barrie (Contractor) Ltd., N.I.R.C. (Sc.) and Ct. of Sess. [1973] I.C.R. 553
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National Association of Teachers in Further and Higher Education v. Manchester City Council, E.A.T. [1978] I.C.R. 1190

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Continuity of employment—*continued*

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Breach v. Epsylon Industries Ltd., E.A.T. [1976] I.C.R. 316

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Place of work—Employers offering identical employment at another factory in same town—Whether employees required to work under contracts of employment at both works—Employees' difficulty in travelling to work—Whether refusal of alternative employment unreasonable—Redundancy Payments Act 1965, ss. 1(2), 2(3)(4)
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O'Neill v. Merseyside Plumbing Co. Ltd., N.I.R.C. [1973] I.C.R. 96

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"Requirements . . . for employees to carry out work"—Temporary post as lecturer at teacher training college—Contract accepted with knowledge that need for lecturers declining—Whether dismissal for redundancy—Redundancy Payments Act 1965, ss. 1(2)(*b*), 3(1)(*b*)
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Redundancy—*continued*

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Employee ordinarily working outside Great Britain—Employers to pay return journey provided travel in accordance with their arrangements—Employee dismissed while on leave in England—Whether dismissed while in Great Britain in accordance with employers' instructions—Redundancy Payments Act 1965, s. 17(2)
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Applicant belonging to civil service pension scheme—Transfer of employment to company—Applicant receiving civil service pension before being made redundant—Whether continuity of employment—Whether company entitled to set off civil service pension benefit against redundancy payment—Employment Protection (Consolidation) Act 1978, s. 98(1)—Redundancy Payments Pensions Regulations 1965, regs. 4(1), 5(1)—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(1)
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Goodeve v. Gilsons, C.A. [1985] I.C.R. 401

Notice excluding right to redundancy payment—Employee receiving pension continuing to work after 60—Employee dismissed and claiming redundancy payment—Employers giving notice excluding redundancy payment—Whether payments of weekly pension "begin to accrue"—Whether notice given too late—Redundancy Payments Pensions Regulations 1965, regs. 4(1), 5(1)(*a*) **British Telecommunications Plc. v. Burwell,** E.A.T. [1986] I.C.R. 35

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Lecturers employed under successive fixed term contracts expiring at end of academic term—Whether "dismissed by reason of redundancy" on expiry of contract—Employment Protection (Consolidation) Act 1978, ss. 55(2)(*b*), 81(2)(*b*), Sch. 13, para. 9(1)(*b*)
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Stowe-Woodward B.T.R. Ltd. v. Beynon, E.A.T. [1978] I.C.R. 609

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Lay-off and short-time

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GMB v. Man Truck & Bus U.K. Ltd., E.A.T. [2000] I.C.R. 1101

Employer's statutory duty to consult employees—Whether open to judicial review—Trade Union and Labour Relations (Consolidation) Act 1992, s. 188
Reg. v. British Coal Corpn., *Ex parte* **Yardy,** D.C. [1993] I.C.R. 720

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G.K.N. Sankey Ltd. v. National Society of Metal Mechanics, E.A.T. [1980] I.C.R. 148

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Redundancy—*continued*

Trade union consultation—continued

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Union of Construction, Allied Trades and Technicians v. H. Rooke & Son (Cambridge) Ltd., E.A.T. [1978] I.C.R. 818

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Protective award—Payments made to employees in lieu of notice on dismissal—Whether employers entitled to deduct net or gross amount of payments from protective award Employment Protection Act 1975, ss. 99(1), 101(1), 102(3)
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Transfer of trade or business see also **Transfer of undertaking**

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Employee machinist at factory manufacturing children's clothes—Sale of factory, plant and machinery—Employee continuing to work on same machine but manufacturing trousers—Claim for redundancy against former employers—Whether change of ownership of business or part thereof—Redundancy Payments Act 1965, s. 13(1)(*a*)
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Employment by successive companies—Industrial tribunal applying presumption of continuity of employment—Whether finding that business transferred correct—Employment Protection (Consolidation) Act 1978, Sch. 13, paras. 1(3), 17(2) (as amended by Employment Act 1982, Sch. 2, para. 7(2), Sch. 3, para. 2(2))
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EMPLOYMENT –*continued*

Redundancy –*continued*

Transfer of trade or business—continued

Failure to consult with trade union—Staff transferred to wholly-owned subsidiary—Complaint by union of failure to consult—Whether transfer of undertaking—Whether regulations applicable to proposed transfer—Whether union's complaint premature—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 10, 11
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Angus Jowett & Co. Ltd. v. National Union of Tailors and Garment Workers, E.A.T. [1985] I.C.R. 646

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Redundancy—*continued*

Work of a particular kind

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Johnson v. Nottinghamshire Combined Police Authority, C.A. [1974] I.C.R. 170

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C.A. [1985] I.C.R. 80

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Transfer of undertaking *see also* **Redundancy:** *Transfer of trade or business*

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Transfer of undertaking—*continued*

Protection of employees—continued

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Receivers dismissing employees prior to transfer—Tribunal finding transfer principal reason for dismissals but also economic, technical or organisational reason for dismissals—Whether dismissals automatically unfair—Whether transferee liable for protective award for receivers' failure to consult—Trade Union and Labour Relations (Consolidation) Act 1992, s. 188 (as amended by Collective Redundancies and Transfer of Undertakings Regulations 1995, reg. 3)—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 5, 8, 10 (as so amended) **Kerry Foods Ltd. v. Creber,** E.A.T. [2000] I.C.R. 556

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Transfer of undertaking *-continued*

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Transfer of undertaking—*continued*

Unfair dismissal—continued

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Brookes v. Borough Care Services Ltd., E.A.T. [1998] I.C.R. 1198

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RCO Support Services Ltd. v. UNISON, E.A.T. [2000] I.C.R. 1502

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Offer of alternative employment—Employee refusing offer as being within terms of existing contract with probationary period added—Dismissal for redundancy—Finding of unfair dismissal—Whether employee's refusal contributing to dismissal—Relevance of legal position of parties—Whether industrial tribunal's findings of fact on issue of unfair dismissal conclusive on issue of contribution—Trade Union and Labour Relations Act 1974, Sch. 1, para. 19(3)
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Unfair dismissal—*continued*
Compensation—continued
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Unfair dismissal—*continued*

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Unfair dismissal—*continued*
Compensation—*continued*
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  Unfair dismissal—*continued*
    Compensation—continued
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Acas agreement compromising complaint in 1989—Applicant continuing to work for respondent—Further complaint in 1995—Whether applicant precluded from relying on employment prior to 1989 when computing period of continuous employment—Employment Rights Act 1996, s. 203—Industrial Tribunals Act 1996, s. 18
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Unfair dismissal—*continued*
Complaint—*continued*
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  Unfair dismissal *continued*
    Complaint—continued
      Time limit—*continued*

Complaint posted by first class post day before expiry of time limit—Arriving day after time limit expired—Whether "reasonably practicable" to present complaint in time—Employment Protection (Consolidation) Act 1978, s. 67(2)
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Complaint presented to regional office of industrial tribunals within time limit and forwarded to central office—Complaint received by central office outside time limit—Whether assistant secretary in regional office accepting complaint on behalf of secretary of tribunals—Trade Union and Labour Relations Act 1974, Sch. 1, para. 21(4)—Industrial Tribunals (Labour Relations) Regulations 1974, Sch., rr. 1(1), 11(6), 14(1)(*a*)
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Complaint six weeks after employee learning of ground for complaint—Finding not reasonably practicable to present complaint in time—Whether complaint within such further period as "reasonable"—Employee discovering and adding further ground of complaint—Whether tribunal entitled to found jurisdiction on further ground—Employment Protection (Consolidation) Act 1978, s. 67(2)
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C.A. [1996] I.C.R. 728

Computation of four-week period for presentation of complaint—Employee dismissed late afternoon—Whether date of determination of employment to be excluded from four-week period—Whether complaint in time—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*)
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Unfair dismissal—*continued*
Complaint—continued
Time limit—*continued*

Computation of period of three months "beginning with" effective date of termination—Employment Protection (Consolidation) Act 1978, s. 67(2)
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Dismissal of employee Employee advised by employment exchange—Complaint presented out of time—Whether "practicable" for complaint to have been presented in time—Whether employment exchange skilled advisers—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*)
Harvey's Household Linens Ltd. v. Benson, N.I.R.C. [1974] I.C.R. 306

Dismissal prior to closure of business—Whether "reasonably practicable" for complaints to have been presented earlier—Employment Protection (Consolidation) Act 1978, s. 67(2)
James W. Cook & Co. (Wivenhoe) Ltd. v. Tipper, C.A. [1990] I.C.R. 716

Dismissals following convictions for theft—Unsuccessful domestic appeal against dismissal—Successful appeals against convictions—Employers refusing reinstatement—Complaints of unfair dismissal presented year after dismissals—Whether "reasonably practicable" to present complaints earlier—Employment Protection (Consolidation) Act 1978, s. 67(2)
Palmer v. Southend-on-Sea Borough Council, C.A. [1984] I.C.R. 372

Dismissed employee offered re-employment—Offer withdrawn after expiry of time limit—Complaint of unfair dismissal presented 10 days later—Whether "reasonably practicable" to present complaint in time—Employment Rights Act 1996, s. 111(2)
London Underground Ltd. v. Noel, C.A. [2000] I.C.R. 109

Domestic appeal against dismissal—Employees advised to delay unfair dismissal claims pending internal appeals—Subsequent complaints out of time—Whether "reasonably practicable" to have presented complaints in time—Employment Protection (Consolidation) Act 1978, s. 67(2)
Croydon Health Authority v. Jaufurally, E.A.T. [1986] I.C.R. 4

Domestic appeals procedure—Appeal by employee to employers under domestic procedure—Complaint more than four weeks after dismissal—Appeal still under consideration—Appeal subsequently dismissed Whether "practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*) **Singh v. Post Office,** N.I.R.C. [1973] I.C.R. 437

Employee completing application form but leaving clerk at employment exchange to deal with it—Whether "not practicable" to present complaint in time—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*)
Ruff v. Smith, Phillips J. [1976] I.C.R. 118

Employee dismissed—Subsequent domestic appeal unsuccessful—Complaint presented more than four weeks after dismissal—Whether "reasonably practicable" to have presented complaint earlier—Employment Protection (Consolidation) Act 1978, s. 67(2)
Bodha (Vishnudut) v. Hampshire Area Health Authority, E.A.T. [1982] I.C.R. 200

Employee dismissed by letter -Subsequent domestic appeal dismissed—Complaint presented more than four weeks after letter of dismissal but within four weeks of dismissal of appeal—"Effective date of termination"—Industrial Relations Act 1971, s. 23(5)(*b*) – Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)
MacDonald v. South Cambridgeshire Rural District Council, N.I.R.C. [1973] I.C.R. 611

Employee dismissed following absence from work because of depression—Internal appeal not pursued because of illness—Complaints of unfair dismissal and breach of contract presented out of time Employee capable of instructing solicitors only during first weeks of limitation period—Whether "reasonably practicable" to present complaint in time—Employment Rights Act 1996, s. 111(2)(*b*)—Employment Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994, art. 7(*c*)
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EMPLOYMENT *continued*
Unfair dismissal *continued*
Complaint—continued
Time limit *—continued*

Employee dismissed for theft—Criminal proceedings initiated—Union official and solicitor consulted on criminal proceedings only—Employee having knowledge of unfair dismissal rights but not of time limit—Complaint out of time—Whether "reasonably practicable" to present complaint in time—Trade Union and Labour Relations Act 1974, Sch. 1, para. 21(4) **Union Cartage Co. Ltd. v. Blunden,** E.A.T. [1977] I.C.R. 420

Employee ignorant of right to compensation—Complaint more than four weeks after dismissal—Whether "practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*) **Westward Circuits Ltd. v. Read,** N.I.R.C. [1973] I.C.R. 301

Employee ignorant of right to compensation—Complaint more than four weeks after dismissal—Whether "practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) (Scotland) Regulations 1972, Sch., r. 2(1)(*a*) **Dewar & Finlay Ltd. v. Glazier,** N.I.R.C. [1973] I.C.R. 572

Employee ignorant of right to compensation until after four-week period—Complaint presented over four weeks after employee put on inquiry as to right to compensation—Tribunal holding no jurisdiction to hear complaint—Whether "not practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1) **Ogidi-Olu v. Guys Hospital Board of Governors,** N.I.R.C. [1973] I.C.R. 645

Employee knowing of right to compensation but ignorant of time limit—Complaint more than four weeks after dismissal—Whether "practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1) **W. Press & Son Ltd.v. Hall,** N.I.R.C. [1974] I.C.R. 21

Employee misled by advice association—Complaint presented within one month of dismissal but more than four weeks thereafter—Whether "practicable" to present complaint earlier—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*) **Hammond v. Haigh Castle & Co. Ltd.,** N.I.R.C. [1973] I.C.R.148

Employee resigning on promise of reference—Failure to obtain new employment 6 months later because of unsatisfactory reference—Whether "reasonably practicable" to present complaint within 3-month time limit—Whether veracity of employee's account to be determined on preliminary issue of jurisdiction—Employment Rights Act 1996, s. 111(2) **Post Office v. Sanhotra,** E.A.T. [2000] I.C.R. 866

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Full-time contract terminated summarily—Employee given opportunity to do part-time work with possibility of future full-time work—Whether employee laid off—Whether contract repudiated—Whether complaint within time limit **G. W. Stephens & Son v. Fish,** E.A.T. [1989] I.C.R. 324

Ignorance of fact fundamental to claim of unfair dismissal—Industrial tribunal not investigating veracity of fact relied on by employee—Whether jurisdiction to hear complaint after expiry of time limit—Employment Protection (Consolidation) Act 1978, s. 67(2) **Machine Tool Industry Research Association v. Simpson,** C.A. [1988] I.C.R. 558

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Incorrect advice given to employee by Citizens Advice Bureau and industrial tribunal staff—Complaint out of time—Whether reasonably practicable for complaint to be presented in time—Employment Protection (Consolidation) Act 1978, s. 67(2) **Rybak v. Jean Sorelle Ltd.,** E.A.T. [1991] I.C.R. 127

EMPLOYMENT *—continued*

Unfair dismissal *—continued*

Complaint—continued

Time limit—*continued*

Knowledge of right to claim unfair dismissal—Employee applying for unemployment benefit pending criminal trial—Employee believing appeal against amount of benefit paid including claim for unfair dismissal—Whether "reasonably practicable" to present complaint in time—Employment Protection (Consolidation) Act 1978, s. 67(2)
Trevelyans (Birmingham) Ltd. v. Norton, E.A.T. [1991] I.C.R. 488

Lecturer's employment ending but lecturer continuing to work as consultant—Industrial tribunal finding that lecturer aware of rights—Appeal—Trade Union and Labour Relations Act 1974, Sch. 1, para. 21(4)
Open University v. Triesman, E.A.T. [1978] I.C.R. 524

Negotiations for improved severance terms with employers—Request by employers not to proceed with complaint—Complaint presented out of time—Whether "practicable" to present complaint earlier—Whether agreement to limit operation of time limit—Industrial Relations Act 1971, s. 161(1)—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*) **Owen v. Crown House Engineering Ltd.,** N.I.R.C. [1973] I.C.R. 511

Notice of immediate dismissal with cheque for salary in lieu of notice—Whether employment terminated immediately—Complaint presented more than four weeks after notice—Consultation with solicitors within four weeks—Whether "practicable" to present complaint within period—Industrial Relations Act 1971, s. 23(5), Sch. 6, para. 5(1)—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)(*a*)
British Building & Engineering Appliances Ltd. v. Dedman, N.I.R.C. [1973] I.C.R. 82
sub nom. **Dedman v. British Building & Engineering Appliances Ltd.,**
C.A. [1974] I.C.R. 53

Oral dismissal—No evidence of terms of dismissal—Written confirmation of dismissal with term for payment in lieu of notice—Whether dismissal intended to take effect immediately—Whether complaint of unfair dismissal out of time—Employment Protection (Consolidation) Act 1978, s. 67(2)
Leech v. Preston Borough Council, E.A.T. [1985] I.C.R. 192

Part-time employee's claim excluded by national legislation—Legislation declared incompatible with Community law—Complaint 18 years after dismissal—Whether statutory time limit applicable—Whether claim time-barred—Employment Protection (Consolidation) Act 1978, s. 67(2)—E.E.C. Treaty, art. 119
Biggs v. Somerset County Council, E.A.T. [1995] I.C.R. 811
C.A. [1996] I.C.R. 364

Salesman arranging with employers to sell products on commission following dismissal—Employers terminating arrangement after expiry of time limit—Complaint of unfair dismissal presented immediately—Whether "not reasonably practicable" to present complaint within time limit—Employment Protection (Consolidation) Act 1978, s. 67(2)
Birmingham Optical Group Plc. v. Johnson, E.A.T. [1995] I.C.R. 459

Time limit expiring on bank holiday—Regional office having no letter-box—Originating application delivered following day—Whether bank holiday dies non—Whether tribunal having jurisdiction to consider complaint—Employment Protection (Consolidation) Act 1978, s. 67(2) **Ford v. Stakis Hotels & Inns Ltd.,** E.A.T. [1987] I.C.R. 943

Time limit expiring on Sunday—Complaint posted to arrive on Saturday—Post Office agreeing not to deliver post to Central Office of Industrial Tribunals on Saturdays—Whether complaint to be treated as delivered within time limit—Employment Protection (Consolidation) Act 1978, s. 67(2) **Lang v. Devon General Ltd.,** E.A.T. [1987] I.C.R. 4

Time limit expiring on Sunday—Whether complaint presented on Monday within time—Employment Protection (Consolidation) Act 1978, s. 67(2)
Hetton Victory Club Ltd. v. Swainston, E.A.T. [1983] I.C.R. 139
C.A. [1983] I.C.R. 341

EMPLOYMENT *continued*

Unfair dismissal- *continued*

Complaint, procedure on see INDUSTRIAL RELATIONS: **Employment tribunals**

Constructive dismissal see *Dismissed:* Repudiatory conduct

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Additional duties

Full-time firemen doing additional retained duties for extra pay—Decision of union and national joint council to abolish part-time duties—Notice terminating retained duties—Whether firemen continuing to work full-time dismissed—Whether unfair dismissal
Land v. West Yorkshire Metropolitan County Council, E.A.T. [1979] I.C.R. 452
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Agreement for contract of employment to terminate if employee failing to return on due date—Employee failing to return on due date—Whether agreement valid—Whether employee dismissed—Employment Protection (Consolidation) Act 1978, ss. 4(1), 54, 55, 140(1)(*a*) **Igbo v. Johnson, Matthey Chemicals Ltd.,** E.A.T. [1986] I.C.R. 82
C.A. [1986] I.C.R. 505

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Termination of employment assumed if employee returning after specified date—Failure to return from holiday in time—Whether contract terminated by mutual consent—Whether dismissal **Tracey v. Zest Equipment Co. Ltd.,** E.A.T. [1982] I.C.R. 481

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Criminal offence

Conviction—Committal in custody to Crown Court for sentence—Dismissal—Industrial tribunal finding contract of employment frustrated—Whether frustration or repudiatory conduct **Norris v. Southampton City Council,** E.A.T. [1982] I.C.R. 177

Employee sentenced to 12 months' imprisonment—Employers formally terminating employment after release from prison—Whether sentence supervening event rendering further performance of contract impossible—Whether prison sentence repudiation of contract of employment—Whether employment terminated—Industrial Relations Act 1971, s. 23(1) **Hare v. Murphy Brothers Ltd.,** N.I.R.C. [1973] I.C.R. 331
C.A. [1974] I.C.R. 603

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Sentence of Borstal training—Contract of apprenticeship making provision for termination on ground of serious misconduct—Whether applicable—Whether contract capable of frustration—Whether frustrated
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C.A. [1986] I.C.R. 802

Sentence of three months' imprisonment—Employer treating contract of employment as frustrated—Whether dismissal for some other substantial reason—Whether dismissal fair—Employment Protection (Consolidation) Act 1978, s. 57(1)(*b*)
Kingston v. British Railways Board, E.A.T. [1982] I.C.R. 392
C.A. [1984] I.C.R. 781

EMPLOYMENT—*continued*
Unfair dismissal—*continued*
Dismissed—continued
Employee not working notice

Employee dismissed with notice—Employee told to go home—Employee not working during period of notice -Whether employee terminated contract—Whether dismissed -Industrial Relations Act 1971, s. 116(3)
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Employee dismissed with notice—Oral request by employee to leave during notice period— Employers' consent—Effect on notice of dismissal Whether consensual termination of contract—Redundancy Payments Act 1965, s. 4—Industrial Relations Act 1971, s. 23(3)
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Contract excluding unfair dismissal provisions—Contract not renewed—Whether dismissal consisting only of expiry of term—Employment Rights Act 1996, ss. 95(1), 197(1)
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C.A. [1979] I.C.R. 281

Contract for one-year term containing waiver clause excluding unfair dismissal claim— Extension for fixed term of less than one year—Employee dismissed at expiry of term for reasons of capability—Whether waiver effective—Employment Protection (Consolidation) Act 1978, s. 142(1) (as amended by Employment Act 1980, s. 8(21)
British Broadcasting Corpn. v. Kelly-Phillips, E.A.T. [1998] I.C.R. 1
C.A. [1998] I.C.R. 587

Contract of employment for 18 months extended by further seven months—Clause excluding rights to compensation for unfair dismissal and redundancy payment in second contract— Whether employment for "fixed term of two years or more"—Redundancy Payments Act 1965, s. 15(2)(4) -Trade Union and Labour Relations Act 1974, Sch. 1, paras. 12(*b*), 21(4)
Open University v. Triesman, E.A.T. [1978] I.C.R. 524

Contract of employment for three years extended for further two years—Determinable by notice—Further contract forone year determinable on three months' notice—Exclusion of rights to compensation for unfair dismissal and redundancy payment -Whether employed for "fixed term" of two years or more -Redundancy Payments Act 1965, s. 15(2)— Industrial Relations Act 1971, s. 30
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Injured employee remaining off work through ill health—Contact not maintained between employers and employee—Job no longer available on employee's return to work— Industrial tribunal finding contract frustrated—Whether contract terminated—Whether employee constructively dismissed
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Non-renewal of contract—Part-time teacher employed to teach as required for academic session—Employment not renewed at end of session—Whether contract for "fixed term"—Whether employee dismissed—Contracts of Employment Act 1972, s. 4(4)—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*b*)
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C.A. [1980] I.C.R. 455

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EMPLOYMENT —*continued*
Unfair dismissal—*continued*
Dismissed—continued
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London Transport Executive v. Clarke, E.A.T. [1980] I.C.R. 532
C.A. [1981] I.C.R. 355

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Robinson v. Crompton Parkinson Ltd., E.A.T. [1978] I.C.R. 401

Breach of mutual trust and confidence—Attempts by employers to alter terms of contract of employment—Employee resigning—Industrial tribunal finding that employee not justified in resigning—Whether appeal lying to appeal tribunal—Employment Protection (Consolidation) Act 1978, ss. 55(2)(*c*), 136(1)
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C.A. [1982] I.C.R. 693

Breach of mutual trust and confidence—Employer's breaches of contract—Contract affirmed by employee—Employer's subsequent course of conduct causing employee to resign—Employer not intending repudiatory breach—Whether early breaches and subsequent conduct constituting repudiation of contract—Whether employee constructively dismissed—Employment Protection (Consolidation) Act 1978, s. 55(2)(*c*)
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Breach of mutual trust and confidence—Exclusion of employee from general pay rise—Whether entitlement to annual pay increase implied term of contract—Employee resigning—Whether employee constructively dismissed
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Breach of mutual trust and confidence by employer causing employee to terminate employment—Employee giving retirement as reason for leaving—Whether constructive dismissal—Employment Rights Act 1996, s. 95(1)(*c*)
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Delay in accepting repudiation of contract of employment—Whether employee's conduct amounting to affirmation of contract—Whether constructive dismissal
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Employee without option but to tender resignation—Whether constructive unfair dismissal—Industrial Relations Act 1971, s. 23(2)
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Employee's earnings including substantial extra-contractual commission—Employers refusing to allow employee to work out notice—Payment in lieu covering wages but not commission—Whether employee dismissed
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EMPLOYMENT *continued*

Unfair dismissal—*continued*

Dismissed—*continued*

Repudiatory conduct—*continued*

Employer using foul and intemperate language—Employer stating that he could speak as he liked or employee could leave—Whether employee entitled to terminate contract—Whether employee dismissed—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*c*) **Palmanor Ltd. v. Cedron,** E.A.T. [1978] I.C.R. 1008

Employers refusing to pay commission alleged by employee to be owing to him—Employee alleging contract expired by effluxion of time—Whether employers' conduct repudiation of contract or such that employee entitled to terminate employment—Whether employee dismissed—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*c*)
Logabax Ltd. v. Titherley, E.A.T. [1977] I.C.R. 369

Employers' refusal to allow full-time teacher and practising Muslim time off to attend mosque—Whether teacher dismissed "by reason of his religious opinions"—Education Act 1944, s. 30—Convention for the Protection of Human Rights and Fundamental Freedoms, art. 9(1) **Ahmad v. Inner London Education Authority,** E.A.T. [1976] I.C.R. 461
C.A. [1977] I.C.R. 490

Employment as supervisor—Employers' failure to support supervisor Employee's resignation—Whether constructive dismissal—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 5(1)(2), 6(2)(8)
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Failure to pay employee statutory minimum wage—Employee continuing to work and employers continuing to pay less than minimum wage Employee then resigning over amount of pay—Whether employee constructively dismissed
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Failure to return from holiday in time—Acceptance by employers of repudiatory conduct—Whether employers terminating contract—Employment Protection (Consolidation) Act 1978, s. 55(2)(*a*) **Terinex Ltd. v. D'Angelo,** E.A.T. [1981] I.C.R. 12

Full-time teacher and department head returning to work after illness—Teacher receiving letter reducing teaching hours and pay—Whether teacher dismissed
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Fundamental breach of contract by employees—Letters of dismissal—Whether contract terminated by employees or employers—"Other industrial action"—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 5(2), 7 (as substituted by Employment Protection Act 1975, Sch. 16, Pt. III, para. 13)
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Implied term that employee to be ordinarily willing to work in any part of United Kingdom—Employee refusing to work in Scotland and leaving employment—Whether employee in breach of contract—Whether constructive dismissal—Requirement on employers to act reasonably—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8) **Express Lift Co. Ltd. v. Bowles,** E.A.T. [1977] I.C.R. 474

Mobility clause giving employers right to transfer employee to other work—Employee transferred following complaints by members of his team—Employee resigning—Industrial tribunal finding constructive dismissal but dismissal not unfair—Whether employers in breach of contract—Whether employee constructively dismissed
White v. Reflecting Roadstuds Ltd., E.A.T. [1991] I.C.R. 733

Refusal of employee to belong to particular trade union—No closed shop—Employers seeking to transfer employee to another depot—Whether implied term obliging employee to transfer to another place of work—Whether unreasonable conduct relevant in determining fundamental breach—Whether employee constructively dismissed—Employment Protection (Consolidation) Act 1978, s. 55(2)(*c*)
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C.A. [1988] I.C.R. 451

EMPLOYMENT *—continued*

Unfair dismissal *—continued*

Dismissed—continued

Repudiatory conduct *continued*

Repudiation of contract denied by employers—Industrial tribunal finding employee dismissed—Whether tribunal to consider reasonableness of dismissal—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 5(2)(*c*), 6(1)(8)
Derby City Council v. Marshall, E.A.T. [1979] I.C.R. 731

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Test to determine whether employee dismissed—Need for employee to give employer the reason for leaving employment—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*c*) **Walker v. Josiah Wedgwood & Sons Ltd.,** E.A.T. [1978] I.C.R. 744

Test to determine whether employee dismissed—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*c*) **Wetherall (Bond St. W1) Ltd. v. Lynn,**
E.A.T. [1978] I.C.R. 205

Whether test of contract or unreasonable conduct to be applied—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*c*)
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C.A. [1977] I.C.R. 952

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Employee accepting early retirement—Finding in county court proceedings that retirement not induced by duress—Whether precluding finding of dismissal on complaint of unfair dismissal **Jones v. Mid-Glamorgan County Council,** E.A.T. [1997] I.C.R. 417
C.A. [1997] I.C.R. 815

Employee resigning but asked to leave early—No agreement as to departure date—Whether employee dismissed **British Midland Airways Ltd. v. Lewis,** E.A.T. [1978] I.C.R. 782

Notice to terminate—Unilateral withdrawal—Whether possible
Harris and Russell Ltd. v. Slingsby, N.I.R.C. [1973] I.C.R. 454

Resignation tendered by employee in heat of moment—Unambiguous words and act of resignation—Employers accepting resignation—Whether employers having duty to ascertain employee's true intention
Kwik-Fit (G.B.) Ltd. v. Lineham, E.A.T. [1992] I.C.R. 183

Resignation tendered by employee in heat of moment—Words clear and unambiguous—Tribunal's finding that employee not intending to resign—Whether finding that employee dismissed correct **B. G. Gale Ltd. v. Gilbert,** E.A.T. [1978] I.C.R. 1149

Threat of dismissal—Employee agreeing to resign in return for financial benefits—Whether employee dismissed **Sheffield v. Oxford Controls Co. Ltd.,** E.A.T. [1979] I.C.R. 396

Words of dismissal spoken in heat of moment

Employer retracting from words used—Whether employee dismissed
Martin v. Yeoman Aggregates Ltd., E.A.T. [1983] I.C.R. 314

EMPLOYMENT—*continued*

Unfair dismissal—*continued*

Excluded classes see also *Complaint*: Dismissal with notice; and *Dismissed: Fixed term contract*

Minimum number of employees

Business run with help of three employees and employer's father—Whether father employee—Whether employee's claim excluded because fourth employee "close relative"—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 4, 9(1)(4)
Barclay v. Roach, E.A.T. [1976] I.C.R. 356

Employment for less than two years Employers having over 20 employees—Transfer of undertaking New employers having fewer than 20 employees—Employment Protection (Consolidation) Act 1978, s. 64A (as inserted by Employment Act 1980, s. 8)—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5
Keabeech Ltd. v. Mulcahy, E.A.T. [1985] I.C.R. 791

Employment for less than two years—Employers having work force of under 20—West German associated company having large work force—Whether work force of overseas company to be included in total number of employees—Employment Protection (Consolidation) Act 1978, ss. 64A (as inserted by Employment Act 1980, ss. 8(1)). 141(2)
Cox v. E.L.G. Metals Ltd., E.A.T. [1984] I.C.R. 1
C.A. [1985] I.C.R. 310

Four employees at date of dismissal—Three continuously employed for more than 13 weeks—Fourth employed for less than 13 weeks—Replacement for employee who had recently left—Whether fewer than four employees "who" had been continuously employed—Industrial Relations Act 1971, s. 27(1)(*a*)
Mayhew v. Richard Alexander & Son, N.I.R.C. [1973] I.C.R. 441

Housekeeper sole employee at relevant premises—Employer and wife only shareholders in property companies—Whether housekeeper's employment in "undertaking" employing fewer than four people—Industrial Relations Act 1971, ss. 22, 27(1)(*a*), 167(1)
Kapur v. Shields, Phillips J. [1976] I.C.R. 26

Three employees and one part-time employee—Part-time employee employed for less than 21 hours a week—Whether "less than four employees who had been continuously employed"—Whether part-time employee to count—Industrial Relations Act 1971, ss. 27(1)(*a*), 151(1)—Contracts of Employment Act 1972, Sch. 1, paras. 3, 5
Haque v. Stitchen & Co. (1937) Ltd., N.I.R.C. [1973] I.C.R. 474

Period of employment *see also* **Continuous employment**

Complaint of race discrimination by male part-time employee—Disapplication of legislation excluding part-time employees from claiming unfair dismissal and redundancy—Applicant seeking to amend complaint to include such claims—Whether claims futile—Whether leave to be granted **Hammersmith and Fulham London Borough Council v. Jesuthasam,**
C.A. [1998] I.C.R. 640

Computation of 26-week period of employment—Employee starting work on Saturday—Whether week immediately prior to Saturday to be included—Contracts of Employment Act 1972, Sch. 1, paras. 4, 11—Trade Union and Labour Relations Act 1974, Sch.1, paras. 10(*a*), 30 **Wynne v. Hair Control,** E.A.T. [1978] I.C.R. 870

Computation of 26-week period of employment—Employee summarily dismissed—Employers contractually obliged to give one month's notice—Statutory period of notice one week—Whetheremployee to rely on month's notice for purpose of computing qualifying period—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5 (as amended by Employment Protection Act 1975, Sch. 16, Pt, III, para. 10)
Fox Maintenance Ltd. v. Jackson, E.A.T. [1978] I.C.R. 110

Computation of 26-week period of employment—Summary dismissal Statutory entitlement to one week's notice—Whether statutory week's notice to be computed as week ending on Saturday—Contracts of Employment Act 1972, Sch. 1, paras. 4, 11—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 5(6), 10(*a*), 30(1A) (as added by Employment Protection Act 1975, Sch. 16, Pt. III, paras. 10, 29)
Cookson & Zinn Ltd. v. Morgan, E.A.T. [1979] I.C.R. 425

EMPLOYMENT—*continued*

Unfair dismissal —*continued*

Excluded classes—continued

Period of employment—*continued*

Computation of 26-week period of employment—Whether to include whole of weeks in which employee engaged and dismissed—Contracts of Employment Act 1972, Sch. 1, paras. 4, 11—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 10, 30
Coulson v. City of London Polytechnic, E.A.T. [1976] I.C.R. 433

Contract of employment not specifying number of hours to be worked—Employee working fewer hours than required minimum for part of employment period—Date "computation falls to be made"—Relevance of number of hours actually worked—Whether continuity preserved—Contracts of Employment Act 1972, s. 4A (as inserted by Employment Protection Act 1975, Sch. 16, Pt. II, para. 14)—Employment Protection Act 1975, Sch. 17, para. 17 **Larkin v. Cambos Enterprises (Stretford) Ltd.,** E.A.T. [1978] I.C.R. 1247

Crew agreement for ship's voyages—Payment for period of leave after voyage—Whether leave constituted part of period of employment—Trade Union and Labour Relations Act 1974, Sch. 1, para. 10(*a*) **Duff v. Evan Thomas Radcliffe & Co. Ltd.,**
E.A.T. [1979] I.C.R. 720

Date of dismissal—Computation of 26-week period of employment—Whether to include whole of week in which employee dismissed—Trade Union and Labour Relations Act 1974, Sch. 1, para. 10 **I.P.C. Business Press Ltd. v. Gray,** E.A.T. [1977] I.C.R. 858

Employee employed under one contract of employment entering contract for second job with same employer—Second job continuing after termination of first contract—Dismissal—Whether "period of continuous employment" including service under first contract—Employment Rights Act 1996, ss. 21(1), 212(1)
Bradford Metropolitan District Council v. Dawson, E.A.T. [1999] I.C.R. 312

Employee resigning on Friday re-engaged on following Monday—Whether continuity of employment broken—Employment Rights Act 1996, ss. 108(1), 210(5), 212(1), 235(1)
Carrington v. Harwich Dock Co. Ltd., E.A.T. [1998] I.C.R. 1112

Employment for less than 21 hours—Business consultant having no contractual obligation to work particular number of hours—Duty to advise at any time—Whether consultant employed under contract which normally involved employment for less than 21 hours weekly—Trade Union and Labour Relations Act 1974, Sch.1, para. 9(1)(*f*)
Bromsgrove Casting and Machining Ltd. v. Martin, E.A.T. [1977] I.C.R. 417

Employment for less than 21 hours—Part-time fireman on stand-by duty—Whether hours of stand-by duty to be included in calculation of week's employment—Contracts of Employment Act 1972, s. 11, Sch. 1, para. 4—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 9(1)(*f*), 10(*a*) **Bullock v. Merseyside County Council,** E.A.T. [1978] I.C.R. 419
C.A. [1979] I.C.R. 79

Employment for less than 21 hours—Part-time teacher contractually obliged to work less than 21 hours weekly—Additional hours spent at home in preparation and marking—Whether additional hours to be included in computation of 21 hours—Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(1)(*f*)
Lake v. Essex County Council, E.A.T. [1978] I.C.R. 657
C.A. [1979] I.C.R. 577

Employment for less than 21 hours—Terms of employment specifying 20-hour week—More than 21 hours worked in practice—Whether employment for less than 21 hours so as to exclude claim for unfair dismissal—Whether hours of overtime to be included in calculation—Contracts of Employment Act 1972, Sch. 1, para. 4
I.T.T. Components Group (Europe) v. Kolah, E.A.T. [1977] I.C.R. 740

EMPLOYMENT—*continued*
Unfair dismissal—*continued*
Excluded classes—continued
Period of employment—*continued*

Employment for less than two years—Applicant employed by health authority under contract containing mobility clause working exclusively at hospital transferring to trust status—Whether continuity of employment preserved—Employment Protection (Consolidation) Act 1978, s. 64(1) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985)—National Health Service and Community Care Act 1990, s. 6(1)(3) **Northern General Hospital National Health Service Trust v. Gale,** E.A.T. [1993] I.C.R. 638
C.A. [1994] I.C.R. 426

Employment for less than two years—Applicant not employed by transferee until two weeks after legal transfer—Whether continuity of employment preserved—Employment Protection (Consolidation) Act 1978, Sch. 13, para. 17(2)
A. & G. Tuck Ltd. v. Bartlett, E.A.T. [1994] I.C.R. 379

Employment for less than two years—Employee drawing unemployment benefit for 12 days between closure of business and transfer to new owners—Employee re-engaged by new owners—Whether continuity of employment preserved—Employment Protection (Consolidation) Act 1978, Sch. 13, para. 17(2)
Justfern Ltd. v. Skaife D'Ingerthorpe, E.A.T. [1994] I.C.R. 286

Employment for less than two years—Whether complaint of unfair dismissal to be adjourned pending resolution of issue as to validity of qualifying period—Employment Protection (Consolidation) Act 1978, s. 64(1)(*a*) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, art. 3)
Thomas v. National Training Partnership Ltd., E.A.T. [1998] I.C.R. 436

Employment for less than two years—Whether complaint of unfair dismissal to be adjourned pending resolution of issue as to validity of qualifying period—Employment Rights Act 1996, s. 108(1)
Davidson v. City Electrical Factors Ltd., E.A.T.(Sc.) [1998] I.C.R. 443

Finding of unfair dismissal—Whether proof of two years' continuous employment precondition to tribunal's jurisdiction—Whether appropriate to allow employer to raise issue on appeal—Employment Protection (Consolidation) Act 1978, ss. 54, 64(1)(*a*) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, art. 3(1))
Leicester University Students' Union v. Mahomed, E.A.T. [1995] I.C.R. 270

Part-time employee excluded by national legislation from compensation for unfair dismissal—Whether compensation "pay"—Whether employee entitled to pursue claim—Employment Protection (Consolidation) Act 1978, s. 64(1)(*a*) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, para. 3 and Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1), Sch. 13, para. 6—E.C. Treaty, art. 119 **Mediguard Services Ltd. v. Thame,** E.A.T. [1994] I.C.R. 751

Part-time employee working alternate weeks—Whether excluded from making unfair dismissal claim—Whether employee's ability to comply with discriminatory condition relevant—Employment Protection (Consolidation) Act 1978, ss. 64(1)(*a*) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, para. 3 and Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1), 151(1), Sch. 13, para. 1(1) (as substituted by Employment Act 1982, Sch. 2, para. 7)—E.E.C. Treaty, art. 119
Colley v. Corkindale, E.A.T. [1995] I.C.R. 965

Part-time employee's complaint dismissed on finding of insufficient weekly hours—Employee not appealing until House of Lords decision in his favour—Appeal two years out of time—Whether health authority precluded from relying on delay—Whether time to be extended—Employment Appeal Tribunal Rules 1993, r. 37(1)
Setiya v. East Yorkshire Health Authority, E.A.T. [1995] I.C.R. 799

EMPLOYMENT—*continued*

Unfair dismissal—*continued*

Excluded classes—continued

Period of employment—*continued*

Part-time employees excluded from compensation for unfair dismissal and redundancy payments—Whether redundant employee having locus standi for judicial review against Secretary of State—Whether compensation "pay"—E.E.C. Treaty, art. 119
Reg. v. Secretary of State for Employment, *Ex parte* **Equal Opportunities Commission,**
D.C. [1992] I.C.R. 341
C.A. [1993] I.C.R. 251
H.L.(E.) [1994] I.C.R. 317

Sick employee absent from work—Dismissal for poor attendance record—Employers re-engaging employee—Whether break in continuity of employment—Contracts of Employment Act 1972, Sch. 1, para. 5(1)(*a*)
Scarlett v. Godfrey Abbott Group Ltd., E.A.T. [1978] I.C.R. 1106

Statutory instrument changing qualifying period from 26 to 52 weeks—Continuous employment for more than 26 weeks at time of change—Dismissal after less than 52 weeks' employment—Complaint of unfair dismissal—Whether statutory instrument ultra vires—Whether jurisdiction to hear complaint—Employment Protection (Consolidation) Act 1978, s. 149(1)(*c*)—Unfair Dismissal (Variation of Qualifying Period) Order 1979, arts. 2, 3 **Capon v. Rees Motors,** C.A. [1980] I.C.R. 553

Transfer of trade or business—Employee working for insolvent company—Assets transferred to another company—Employee dismissed and engaged by new owners on same day—Subsequent dismissal—Whether valid transfer—Whether continuous period of employment—Contracts of Employment Act 1972, Sch. 1, para. 9(2)
Teesside Times Ltd. v. Drury, E.A.T. [1978] I.C.R. 822
C.A. [1980] I.C.R. 338

Transfer of trade or business—Surrender of tenancy of licensed premises—Landlords carrying on business—Employee of tenant employed by landlords—Employee dismissed—Whether continuity of employment—Contracts of Employment Act 1972, Sch. 1, para. 9(2) **Young v. Daniel Thwaites & Co. Ltd.,** E.A.T. [1977] I.C.R. 877

Police service

Prison officer dismissed for conduct when off duty—Whether having powers or privileges of constable—Prison Act 1952, s. 8—Employment Protection (Consolidation) Act 1978, s. 146(2)(3) **Home Office v. Robinson,** E.A.T. [1982] I.C.R. 31

Retirement

Civil servant—Minimum age of retirement 60—Discretionary retention beyond minimum age—Civil servants normally allowed to complete 20 years' service—Civil servants in one department dismissed if 60 or over—Whether claim for unfair dismissal excluded—Trade Union and Labour Relations Act 1974, Sch. 1, para. 10(*a*)
Howard v. Department for National Savings, E.A.T. [1979] I.C.R. 584
C.A. [1981] I.C.R. 208

Civil servant—Minimum retirement age—Discretionary retention beyond minimum age—Claim for unfair dismissal after attaining minimum retirement age—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Department of Health and Social Security v. Randalls, E.A.T. [1981] I.C.R. 100

Civil servant—Minimum retirement age of 60—Discretionary retention beyond minimum age—Civil servants usually allowed to complete 20 years' service—Policy in one department to employ civil servants over 60 in lower grade—Whether claim for unfair dismissal excluded—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Waite v. Government Communications Headquarters, C.A. [1983] I.C.R. 359
H.L.(E.) [1983] I.C.R. 653

EMPLOYMENT—*continued*
Unfair dismissal —*continued*
Excluded classes—continued
Retirement—*continued*

Civil servant—Minimum retirement age of 60—Policy to employ certain classes of employees until 65—Change of policy requiring earlier retirement—Whether "effective date of termination" before "normal retiring age" for employee holding his position—Whether claim for unfair dismissal excluded -Employment Protection (Consolidation) Act 1978, ss. 54(1), 64(1)(*b*), 153(1)
Department of Health and Social Security v. Coy, E.A.T. [1984] I.C.R. 309
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Hughes v. Department of Health and Social Security, H.L.(E.) [1985] I.C.R. 419

Contractual and normal retirement age of 65—Employers purporting to reduce normal retirement age to 64 without corresponding alteration to contract—Whether effective—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*) (as substituted by Sex Discrimination Act 1986, s. 3(1)) **Bratko v. Beloit Walmsley Ltd.,** E.A.T. [1996] I.C.R. 76

Mental health officers Pensionable age 60 thereafter employment subject to review every six months—Employees retiring by 70—No usual retiring age Employee dismissed at 61 after two reviews—Whether "normal retiring age" same as pensionable age—Industrial Relations Act 1971, s. 28(*b*)
Ord v. Maidstone and District Hospital Management Committee, N.I.R.C. [1974] I.C.R. 369

Normal retiring age—Contractual retirement age 60—Majority of employees retained after 60—Whether industrial tribunal to adopt statistical approach in determining normal retiring age—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Mauldon v. British Telecommunications Plc., E.A.T. [1987] I.C.R. 975

Normal retiring age—Contractual retirement age of 60—Retirement age changed from 65 to some time between 62 and 63—Whether change sufficiently definite to constitute normal retirement age —Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Swaine v. Health and Safety Executive, E.A.T. [1986] I.C.R. 498

Normal retiring age—Discretionary retention of staff beyond age of 60—Dismissal of employees at 60—Whether 60 normal retiring age—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*) (as substituted by Sex Discrimination Act 1986, s. 3(1)) **Brooks v. British Telecommunications Plc.,** E.A.T. [1991] I.C.R. 286
C.A. [1992] I.C.R. 414

Normal retiring age—Employers stating policy of normal retiring age of 60 for messengers with exceptional optional extension for restricted number—Whether 60 "normal retiring age" for messengers -Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*) (as substituted by Sex Discrimination Act 1986, s. 3(1))
Barclays Bank Plc. v. O'Brien, E.A.T. [1993] I.C.R. 347
C.A. [1994] I.C.R. 865

Normal retiring age—Employers' transitional provisions in relation to retirement age of some employees—Employee dismissed aged 64—Whether normal retiring age under 65 applicable to employee—"Position" held by employee –Employment Protection (Consolidation) Act 1978, ss. 64(1)(*b*) (as amended by Sex Discrimination Act 1986, s. 3(1)), 153(1) **Barber v. Thames Television Plc.,** E.A.T. [1991] I.C.R. 253
C.A. [1992] I.C.R. 661

Normal retiring age—No express provision for retiring age in contract of employment—Employee's complaint of unfair dismissal—Whether 65 normal retiring age for person holding position which employee held—Whether implied term as to retiring age—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Duke v. Reliance Systems Ltd., E.A.T. [1982] I.C.R. 449

Normal retiring age—Post Office employee employed on temporary contract after age of 60—Dismissal —Whether "normal retiring age" of 60 Trade Union and Labour Relations Act 1974, Sch. 1, para. 10(*b*) **Smith v. Post Office,** E.A.T. [1978] I.C.R. 283

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Unfair dismissal -*continued*

Excluded classes—continued

Retirement—*continued*

Woman teacher—Contractual retiring age for teachers of 65—Employee dismissed at 61 Whether 65 "normal retiring age" Whether woman over 60 excluded regardless of normal retiring age—Trade Union and Labour Relations Act 1974, Sch. 1, para. 10(*b*)
Nothman v. Barnet London Borough Council, E.A.T. and C.A. [1978] I.C.R. 336
H.L.(E.) [1979] I.C.R. 111

Women retired at 60 and men at 65—Statutory provision excluding claim for unfair dismissal conflicting with Council Directive—Whether provisions of Directive overriding statute -Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)—Council Directive (76/207/E.E.C.), art. 5 **Parsons v. East Surrey Health Authority,** E.A.T. [1986] I.C.R. 837

Work outside Great Britain *see also* **Transfer of undertaking:** "*United Kingdom*"

Contract requiring service abroad if demanded—Foreign bank employees in fact working only in Great Britain—Whether "ordinarily works" outside Great Britain—Employment Protection (Consolidation) Act 1978, s. 141(2)
Sonali Bank v. Rahman, E.A.T. [1989] I.C.R. 314

Employee liable to be transferred to different countries—Work not specifically related to Great Britain -Employee making headquarters in London with frequent trips abroad—Whether "works" ordinarily outside Great Britain—Industrial Relations Act 1971, s. 27(2)
Maulik v. Air India, N.I.R.C. [1974] I.C.R. 528

Employee working both in Britain and abroad—Whether employee "ordinarily works" outside Great Britain -Test to be applied—Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2)
Wilson v. Maynard Shipbuilding Consultants A.B., E.A.T. [1977] I.C.R. 112
C.A. [1978] I.C.R. 376

Employee working on oil rig moving inside and outside territorial waters—Whether "ordinarily works" outside Great Britain—Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2) **Claisse v. Keydril Ltd.,** E.A.T. [1978] I.C.R. 812

Employee working outside and inside Great Britain—Responsibilities for production and management in Britain and sales abroad—Whether employee "ordinarily works" outside Great Britain Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2)
Portec (U.K.) Ltd. v. Mogensen, E.A.T. [1976] I.C.R. 396

Flight attendant recruited and based abroad transferring to London—Whether "ordinarily works outside Great Britain"—Whether jurisdiction to hear complaint of unfair dismissal—Employment Rights Act 1996, s. 196(2)
Carver v. Saudi Arabian Airlines, C.A. [1999] I.C.R. 991

Flight officer on international routes—Employee's base in Great Britain—Whether "ordinarily works" in Great Britain—Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2) **Todd v. British Midland Airways Ltd.,** C.A. [1978] I.C.R. 959

Foreign bank transferring employee to London branch—Employee subject to recall—Whether "ordinarily works" outside Great Britain -Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2) **Janata Bank v. Ahmed (Qutubuddin),** C.A. [1981] I.C.R. 791

Seaman employed on British registered ship—Ship sailing outside British waters—Whether seaman employed wholly outside Great Britain—Employment Protection (Consolidation) Act 1978, s. 141(2)(5) (as amended by Insolvency of Employer (Excluded Classes) Regulations 1983, reg. 3) **Wood v. Cunard Line Ltd.,** E.A.T. [1989] I.C.R. 398
C.A. [1991] I.C.R. 13

Health and safety

Designated employee

Disagreement with employers about manner of enforcing safety standards—Employee resigning—Whether constructive unfair dismissal—Employment Protection (Consolidation) Act 1978, s. 57A (as inserted by Trade Union Reform and Employment Rights Act 1993, Sch. 5, para. 3) **Goodwin v. Cabletel U.K. Ltd.,** E.A.T. [1998] I.C.R. 112

EMPLOYMENT *-continued*

Unfair dismissal—*continued*

Industrial action

Ban on overtime

Employees agreeing not to work overtime—Agreement broken by some employees—Industrial tribunal's finding not relevant employees—Appeal—Employment Protection (Consolidation) Act 1978, s. 62(2)(4)
Naylor v. Orton & Smith Ltd., E.A.T. [1983] I.C.R. 665

Participating in industrial action

Absence from work through sickness—Whether sick employee taking part in industrial action—Trade Union and Labour Relations Act 1974, Sch. 1, para. 7 (as substituted by Employment Protection Act 1975, Sch. 16, Pt. III, para. 13)
Williams v. Western Mail & Echo Ltd., E.A.T. [1980] I.C.R. 366

Refusal by employees to take part in work study—Dismissal—Whether employer's knowledge of action taken by employees relevant—Two employees resigning not dismissed—Whether relevant employees—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*), (2), (4) (as amended by Employment Act 1982, ss. 9(1), 21, Sch. 3, para. 18, Sch. 4) **Manifold Industries Ltd. v. Sims,** E.A.T. [1991] I.C.R. 504

Refusal to work overtime not in breach of contract Whether employees taking part in "other industrial action"—Whether jurisdiction to hear complaints of unfair dismissal—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*)
Power Packing Casemakers Ltd. v. Faust, E.A.T. [1981] I.C.R. 484
C.A. [1983] I.C.R. 292

Strike

Absence from work during strike—Employee failing to inform employer of reasons for absence—Dismissal for being on strike—Duty of employee to inform employer of reason for absence—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 62 **McKenzie v. Crosville Motor Services Ltd.,** E.A.T. [1990] I.C.R. 172

Boilermakers on strike for more pay—Fitter refusing to cross picket line Fitter returning to work before end of strike but subsequently dismissed for redundancy—Boilermaker on strike dismissed—Complaint of unfair dismissal—Whether fitter "relevant employee"—Employment Protection (Consolidation) Act 1978, s. 62(2)(4)
McCormick v. Horsepower Ltd., C.A. [1981] I.C.R. 535

Dismissal following strike—Offer of re-engagement—Offer subject to disciplinary condition—Whether condition affecting nature and capacity of job—Employment Protection (Consolidation) Act 1978, ss. 62(2)(4), 153
Williams v. National Theatre Board Ltd., E.A.T. [1981] I.C.R. 248

Dismissal of applicant while on strike—Applicant claiming dismissal unfair and alleging existence of "relevant employee" on strike but not dismissed—Employer seeking particulars of identity of relevant employee—Whether particulars to be given before preliminary hearing as to jurisdiction—Whether particulars would enable employer to dismiss relevant employee so as to defeat applicant's claim—Employment Protection (Consolidation) Act 1978, s. 62(2)(*a*) (as amended by Employment Act 1982, s. 9)
P. & O. European Ferries (Dover) Ltd. v. Byrne, C.A. [1989] I.C.R. 779

Dismissal of employee while on strike -Industrial tribunal finding employers reasonably believing employee taking part in strike—Whether employers' belief relevant in determining whether employee on strike—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*) (as amended by Employment Act 1982, s. 9(4))
Jenkins v. P. & O. European Ferries (Dover) Ltd., E.A.T. [1991] I.C.R. 652

Dismissal of employees on strike—One employee subsequently working for employers without revealing his dismissal—Whether employee "offered re-engagement"—Employment Protection (Consolidation) Act 1978, s. 62(2)(*b*) (as amended by Employment Act 1982, s. 9(2)) **Bigham v. G.K.N. Kwikform Ltd.,** E.A.T. [1992] I.C.R. 113

Dismissal of workforce on strike—Complaints of unfair dismissal—Employees returning to work before receiving letters of dismissal—Employee participating in strike activity without employers' knowledge—Whether "relevant employees"—Employment Protection (Consolidation) Act 1978, s. 62(2)(4) (as amended by Employment Act 1982, s. 9)
Hindle Gears Ltd. v. McGinty, E.A.T. [1985] I.C.R. 111

EMPLOYMENT *—continued*

Unfair dismissal *continued*

Industrial action—continued

Strike *—continued*

Dismissal of workforce on strike—Offer of re-engagement to part of workforce—Second offer made within three months of dismissal to all employees—Complaint of unfair dismissal—Whether jurisdiction to hear complaint—Employment Protection (Consolidation) Act 1978, s. 62(2)(*b*) (as amended by Employment Act 1982, s. 9(2))
Highland Fabricators Ltd. v. McLaughlin, E.A.T. [1985] I.C.R. 183

Factory workers refusing to enter factory to work—Employee not entering factory for fear of abuse—Employee staying off work due to ill health—Whether taking part in strike—Whether "relevant employee"—Employment Protection (Consolidation) Act 1978, s. 62(2)(4) **Coates v. Modern Methods & Materials Ltd.,** C.A. [1982] I.C.R. 763

Offer of re-engagement -Offer subject to disciplinary condition—Whether condition affecting nature and capacity of "job"—Employment Protection (Consolidation) Act 1978, ss. 62(2)(4), 153 **Williams v. National Theatre Board Ltd.,** C.A. [1982] I.C.R. 715

Sick employee off work during strike—Dismissal Whether dismissal while "taking part" in strike—Employment Protection (Consolidation) Act 1978, s. 62(1) (as amended by Employment Act 1982, s. 9(4)) **Rogers v. Chloride Systems Ltd.,** E.A.T. [1992] I.C.R. 198

Threat of industrial action

Warning of action if wage demands not met by specified time—Employees dismissed before that time—Whether employees taking part in "other industrial action"—Whether industrial tribunal jurisdiction to determine unfair dismissal claim -Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*)
Midland Plastics v. Till, E.A.T. [1983] I.C.R. 118

Interim relief

Burden of proof

Dismissal for misconduct—Interim relief sought on ground that true reason for dismissal participation in union activities—Whether allegation of dismissal for trade union activities "likely" to succeed—Employment Protection Act 1975, s. 78(5)
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Defective application made for interim relief within time limit—Letter received after time limit—Discretion to construe documents together—Trade union's notice that other employees would be applying for interim relief—Whether notice to be read in association with application made within time limit—Jurisdiction to entertain applications—Employment Protection Act 1975, s. 78(1)(2)
Barley v. Amey Roadstone Corpn. Ltd., E.A.T. [1977] I.C.R. 546

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Industrial tribunal's order for interim relief—Different tribunal hearing substantive complaint—Application for revocation of interim order—Whether application to be heard by industrial tribunal making interim order—Employment Protection (Consolidation) Act 1978, ss. 77, 79(1) **British Coal Corpn. v. McGinty,** E.A.T. [1987] I.C.R. 912

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Unfair dismissal -*continued*

Lock-out

Contract, enforcement of

Dispute over introduction of new printing technology—Dismissal of employees refusing to use new process—Whether industrial action or lock-out—Re-engagement of employee—Whether relevant employee—Whether industrial tribunal having jurisdiction to hear complaints of unfair dismissal—Employment Protection (Consolidation) Act 1978, s. 62, Sch. 13, para. 24(1) (as amended by Employment Act 1982, s. 9)
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Dismissal of employees not returning to work—Jurisdiction of industrial tribunal to hear unfair dismissal claims—Whether those returning to work "relevant employees"—Employment Protection (Consolidation) Act 1978, s. 62(1)(4) (as amended by Employment Act 1982, s. 9, Sch. 3, para. 18)
H. Campey & Sons Ltd. v. Bellwood, E.A.T. [1987] I.C.R. 311

Suspension of employees refusing to give undertaking—"Relevant employees"—Whether lock-out in consequence of trade dispute—Dismissal of employees—Jurisdiction of tribunal to hear claims for unfair dismissal—Contracts of Employment Act 1972, Sch. 1, para. 11(1)—Trade Union and Labour Relations Act 1974, Sch. 1, para. 7 (as amended by Employment Protection Act 1975, Sch. 16, Pt. III, para. (3)
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Reason for dismissal

Alternative ground

Complaint of unfair dismissal—Employers seeking to justify dismissal on ground of redundancy—Industrial tribunal finding dismissal for "some other substantial reason"—Error of law—Employment Protection (Consolidation) Act 1978, s. 57(1)(2)
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Dismissal for redundancy—Employee contending true reason for dismissal participation in trade union activities—Burden of proof—Employment Protection (Consolidation) Act 1978, s. 57 (as amended by Employment Act 1980, s. 6)
Maund v. Penwith District Council, E.A.T. [1982] I.C.R. 732
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Employee expressing intention to resign—Change of mind by employee—Employer insisting contract terminated by resignation—Industrial tribunal finding employee dismissed—Whether employer precluded from having reason for dismissal—Whether dismissal for "some other substantial reason"—Employment Protection (Consolidation) Act 1978, s. 57(1)(*b*) **Ely v. Y.K.K. Fasteners (U.K.) Ltd.,** C.A. [1994] I.C.R. 164

Employee farm labourer dismissed and replaced by employer's son—Employee's knowledge throughout his employment that son likely to be employed Employee less skilled than employer's son—Whether reason for dismissal "substantial reason" such as to justify dismissal—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(1)(*b*)
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Employee requesting own dismissal—Whether "substantial reason of a kind such as to justify dismissal"—Meaning of—Industrial Relations Act 1971, s. 24(1)(*b*)
Mercia Rubber Mouldings Ltd. v. Lingwood, N.I.R.C. [1974] I.C.R. 256

Employee's refusal to enter into restrictive covenant—Whether refusal "some other substantial reason" to justify dismissal—Whether ejusdem generis rule applicable—Industrial Relations Act 1971, s. 24(1)(2) **R. S. Components Ltd. v. Irwin,**
N.I.R.C. [1973] I.C.R. 535

Employers alleging gross inefficiency—Alternative ground of dishonesty added at tribunal hearing—Finding by tribunal that dismissal not unfair—Whether permissible to add alternative additional reason for dismissal
Hotson v. Wisbech Conservative Club, E.A.T. [1984] I.C.R. 859

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Unfair dismissal—*continued*
Reason for dismissal—continued
Alternative ground—*continued*

Employers dismissing engineer alleging redundancy—No redundancy situation—Employee's claim for compensation for unfair dismissal resisted by employers on alternative ground that dismissal fair—Industrial tribunal finding no redundancy but that employee dismissed for reason relating to his "capability"—Whether employers entitled to justify dismissal on ground other than that originally given to employee—Industrial Relations Act 1971, s. 24(1)(2)(*a*)(6) **Abernethy v. Mott, Hay and Anderson,** C.A. [1974] I.C.R. 323

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East African Airways Corpn. v. Foote, E.A.T. [1977] I.C.R. 776

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Gorman v. London Computer Training Centre Ltd., E.A.T. [1978] I.C.R. 394

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C.A. [1979] I.C.R. 542

Notice of appearance stating dismissal for failure to obey order—Tribunal finding employee's conduct justifying dismissal—Tribunal's duty to determine reason for dismissal
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Pregnant employee frequently absent from work due to sickness—Dismissal—Whether pregnancy reason for dismissal—Employment Protection (Consolidation) Act 1978, s. 60(1) **Del Monte Foods Ltd. v. Mundon,** E.A.T. [1980] I.C.R. 694

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Genuine but erroneous belief that illegal to continue employment—Whether dismissal unfair Employment Protection (Consolidation) Act 1978, s. 57(1)(*b*) (2)(*d*)
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Redundancy situation anticipated—Employee receiving notice of dismissal on ground of redundancy—Work becoming available before expiry of notice—Employers failing to offer work to employee—Whether dismissal unfair
Stacey v. Babcock Power Ltd., E.A.T. [1986] I.C.R. 221

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Unfair dismissal*—continued*

Reason for dismissal—continued

Reorganisation

Dismissal notice giving proposed reorganisation as reason before reorganisation confirmed—Reorganisation finalised by expiry of notice period—Whether reason for dismissal to be effective when notice given—Employment Protection (Consolidation) Act 1978, s. 57
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Reasonableness of dismissal

Breakdown in working relations

Applicants refusing to take part in strike—Antagonistic conduct by other employees towards applicants—Applicants' refusal to work overtime or together—Employers dismissing applicants to avoid confrontation with other employees—Whether dismissal unfair Whether reduction in compensation appropriate—Trade Union and Labour Relations Act 1974, Sch. 1, paras. 6(8), 19(3)
British United Trawlers (Grimsby) Ltd. v. Carr, E.A.T. [1977] I.C.R. 622

Breakdown in working relationship between new manager and employee—No effort by employers to heal relationship—Whether employers acting reasonably in dismissing employee **Turner v. Vestric Ltd.,** E.A.T. [1980] I.C.R. 528

Employee managers trading on their own account—Employees suspended pending police investigation—Employers' offer of meeting to discuss employees' future employment – Employees' refusal and subsequent dismissal—Whether employers acting reasonably
Mansard Precision Engineering Co. Ltd. v. Taylor, E.A.T. [1978] I.C.R. 44

Employees involved in dispute with shop steward—Other workers threatening to strike if employees allowed to return to same place of work—Employees dismissed—Whether pressure on employers to dismiss—Trade Union and Labour Relations Act 1974, Sch. 1, para. 15 **Ford Motor Co. Ltd. v. Hudson,** E.A.T. [1978] I.C.R. 482

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Post Office (Counters) Ltd. v. Heavey, E.A.T. [1990] I.C.R. 1

Employee's ill-health rendering him incapable of performing duties—Employer's duty to provide alternative employment for employee—Industrial Relations Act 1971, s. 24(1)(2)(6)
Merseyside and North Wales Electricity Board v. Taylor, O'Connor J. [1975] I.C.R. 185

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Hackney London Borough Council v. Usher, E.A.T. [1997] I.C.R. 705

Capability of employee

Allergy to solder fumes—Transfer to work involving more soldering Steps taken to protect employee from fumes—Whether sufficient—Whether implied term that transfer to other work not involving a risk to health—Employment Protection (Consolidation) Act 1978, s. 57(2)(*a*) **Jagdeo v. Smiths Industries Ltd.,** E.A.T. [1982] I.C.R. 47

Commercial pilot's faulty handling of aircraft—Accident –Employers' inquiry into cause of accident—Decision that employee to blame—Natural justice—Whether employers acting reasonably in dismissing employee for one incident of failure to exercise high standard of professional skill—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(1)(8)(9)(*a*)—Air Navigation Order 1974, art. 26(2) **Alidair Ltd. v. Taylor,**
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C.A. [1978] I.C.R. 445

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Unfair dismissal *—continued*

Reasonableness of dismissal—continued

Capability of employee—*continued*

Contracts manager's inability to co-operate with employer's clients—Employers' business jeopardised—No specific warning about risk of dismissal—Tribunal's finding dismissal justified but for lack of warning—Whether warning necessary—Industrial Relations Act 1971, s. 24(6) **A. J. Dunning & Sons (Shopfitters) Ltd. v. Jacomb,** N.I.R.C. [1973] I.C.R. 448

Dismissal for incapacity—Whether employee's incompetence capable of being contributory factor to dismissal **Kraft Foods Ltd. v. Fox,** E.A.T. [1978] I.C.R. 311

Dispute over scope of employee's duties—Employee continuing to carry out disputed work—Failure to perform disputed work satisfactorily—Whether employers acting reasonably in dismissing employee
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Employee performing duties of post and telegraph officer satisfactorily but failing to pass aptitude test—Dismissal for failure to pass test—Whether reason relating to capability—Whether reason relating to qualifications or "some other substantial reason"—Industrial Relations Act 1971, s. 24 **Blackman v. Post Office,** N.I.R.C. [1974] I.C.R. 151

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Lewis Shops Group v. Wiggins, N.I.R.C. [1973] I.C.R. 335

Manager's inefficiency—No specific warning about risk of dismissal—Whether unfair—Dismissal contributed to by employee's misconduct—Whether compensation to be reduced—Industrial Relations Act 1971, ss. 24(6), 116(3)
Scottish Co-operative Wholesale Society Ltd. v. Lloyd, N.I.R.C. [1973] I.C.R. 137

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Winterhalter Gastronom Ltd. v. Webb, N.I.R.C. [1973] I.C.R. 245

Constructive dismissal

Employers alleging reorganisation substantial reason for dismissal—Failure of tribunal to find reason for dismissal and whether dismissal reasonable—Constructive dismissal not necessarily unreasonable—Employment Protection (Consolidation) Act 1978, s. 57(1)(3)
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Dismissal procedure

Building officer employed by council—Diminution of responsibilities—Complaint to department head—Refusal by employee to particularise complaint—Grievance procedure followed—No specific warning about risk of dismissal—Employee dismissed—Whether employers acted reasonably—Complaint of unfair dismissal—Error by tribunal—Whether material error
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Unfair dismissal—*continued*
Reasonableness of dismissal—*continued*
Dismissal procedure—*continued*

Delay in bringing disciplinary proceedings—Finding that delay unreasonable but not prejudicial to employee—Whether dismissal unfair
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Delay in dismissing employee for assault on another employee—Dismissal notice six months after assault—Employee suffering no disadvantage or injustice as result of delay—Whether delay rendering dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57 (as amended by Employment Act 1980, s. 6)
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Disciplinary inquiry by employers—Disciplinary procedure agreement with unions—Agreement providing for employers to notify employee's union official if dismissal contemplated—Official not informed—Whether dismissal fair—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8) **Bailey v. B.P. Oil (Kent Refinery) Ltd.,** C.A. [1980] I.C.R. 642

Disciplinary inquiry by employers—Employers relying onstatements made to police—Statements ruled inadmissible in criminal proceedings—Employees dismissed for gross misconduct—Whether dismissals fair
Dhaliwal v. British Airways Board, E.A.T. [1985] I.C.R. 513

Disciplinary procedure requiring formal warning—Employee's appeals against warnings pending—Dismissal—Whether employers' reliance on warnings complying with dismissal procedure—Whether employers acting reasonably
Tower Hamlets Health Authority v. Anthony, E.A.T. [1988] I.C.R. 499
C.A. [1989] I.C.R. 656

Dismissal for striking fellow employee—Disciplinary inquiry by employers—Witness statements read but not provided to employee—Notes of inquiry difficult to read and incomplete—Employee and fellow employee represented at inquiry by same union representative—Whether disciplinary procedure unfair—Internal appeal depending on assent of union convenor—Convenor refusing assent—Whether method of appeal unfair—Whether industrial tribunal wrong in taking account of matters occurring two weeks after inquiry when assessing contribution
Vauxhall Motors Ltd. v. Ghafoor, E.A.T. [1993] I.C.R. 376

Domestic appeal procedure not invoked by employee—Possibility that appeal would have been successful—Whether employee's acquiescence in dismissal preventing him from bringing unfair dismissal complaint—Whether conduct contributing to dismissal or failure to mitigate loss **Hoover Ltd. v. Forde,** E.A.T. [1980] I.C.R. 239

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Domestic inquiry followed by dismissal—Officer making complaint required to make report and be available to assist tribunal—Tribunal acting fairly and justly—Whether fundamental breach of natural justice
Haddow v. Inner London Education Authority, E.A.T. [1979] I.C.R. 202

Domestic inquiry followed by dismissal—Witnesses heard in employee's absence—No opportunity to cross-examine—Whether breach of natural justice—Whether employers acting reasonably in dismissing employee
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Unfair dismissal—*continued*

Reasonableness of dismissal—continued

Dismissal procedure—*continued*

Employee dismissed for incompetence without written warning or opportunity to state case—Whether unfair dismissal—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
Lowndes v. Specialist Heavy Engineering Ltd., E.A.T. [1977] I.C.R. 1

Employee summarily dismissed for poor attendance—Employee denied opportunity to exercise right of appeal under contractual disciplinary procedure—Whether refusal to entertain appeal conduct to be taken into account in determining reasonableness of dismissal—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
West Midlands Co-operative Society Ltd. v. Tipton, C.A. [1985] I.C.R. 444
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Farm manager dismissed without warning after giving inaccurate reference regarding farm labourer—Duty to warn employee in managerial capacity of dissatisfaction with work—High standard of duty owed by employee in senior position—Effect on compensation
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Greenall Whitley Plc. v. Carr, E.A.T. [1985] I.C.R. 451

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Right of appeal to tribunal comprising three members—Appeal heard by tribunal comprising only two members—Whether procedural error or fundamental breach of contract—Whether dismissal inevitably unfair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Suspension of normal disciplinary procedures during strike—Employers deciding to dismiss employee if convicted of assault—Employee pleading guilty to assault—Whether employers acting reasonably in dismissing employee
McLaren v. National Coal Board, E.A.T. [1987] I.C.R. 410
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Faulty work

Employee metal plater producing faulty work—Employers' warnings—Summary dismissal—Complaint of unfair dismissal—Allegation defective work not shown to have been done after warning—Whether dismissal unfair—Value of notes of evidence to appellate court
Moore v. Aluminium Platers (Leeds) Ltd., Phillips J. [1976] I.C.R. 83

Employee told work unsatisfactory but given no specific warning of possible dismissal—Employee dismissed—Whether dismissal unfair
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Incapacity due to ill-health

Employee cellarman suffering from ill-health—Frequent absences—No evidence of ill-health permanently affecting capacity to work as cellarman—Whether dismissal reasonable—Industrial Relations Act 1971, s. 24(6)
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Employee injured at work—Failure by employers to consult employee—Whether employee having duty to keep employers informed of progress—Whether employers acting reasonably **Mitchell v. Arkwood Plastics (Engineering) Ltd.,** E.A.T. [1993] I.C.R. 471

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Unfair dismissal—*continued*

Reasonableness of dismissal—continued

Incapacity due to ill-health—*continued*

Employee likely to be absent for several weeks—Employers' need for work to be done—Discussion of situation with employee—No written warning of likelihood of dismissal—Dismissal—Whether employers acting reasonably—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8) **Spencer v. Paragon Wallpapers Ltd.,** E.A.T. [1977] I.C.R. 301

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Notice of dismissal—Consultation during period of notice—Employee's recovery—Relevance of events between notice of dismissal and expiry of notice—Whether employers acting reasonably in dismissing employee—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8) **Williamson v. Alcan (U.K.) Ltd.,** E.A.T. [1978] I.C.R. 104

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Registered disabled person—Dismissal for inability to perform full duties—Whether special consideration to be given to disabled person—Disabled Persons (Employment) Act 1944, s. 9(5)—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6) **Seymour v. British Airways Board,** E.A.T. [1983] I.C.R. 148

Residential social worker suffering injury to back—Injury causing inability to perform part of duties—Whether employers acting reasonably in deciding to dismiss—Employment Protection (Consolidation) Act 1978, s. 57(2)(*a*)
Shook v. Ealing London Borough Council, E.A.T. [1986] I.C.R. 314

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Company in voluntary liquidation—Instant dismissal following appointment of liquidator—Temporary retention of some employees to achieve orderly winding up—Whether dismissal unfair **Fox Brothers (Clothes) Ltd. v. Bryant,** E.A.T. [1979] I.C.R. 64

Misconduct

Admission of guilt—Industrial tribunal's application of Judges' Rules—Exclusion of evidence of confession to theft—Admissibility of statement—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57(3)
Morley's of Brixton Ltd. v. Minott, E.A.T. [1982] I.C.R. 444

Admission of guilt—Industrial tribunal's finding of insufficient investigation of allegation Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57(3)
Royal Society for the Protection of Birds v. Croucher, E.A.T. [1984] I.C.R. 604

Admission of guilt followed by retraction of confession—Dismissal—Whether employers acting reasonably in relying on confession
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Cashier failing to register customer's purchase on till Investigation properly carried out and report to management—Management's decision to dismiss without interviewing cashier—Whether dismissal unfair **Budgen & Co. v. Thomas,** E.A.T. [1976] I.C.R. 344

Charges of theft from employers—Domestic inquiry Refusal to give explanation of conduct pending completion of criminal proceedings—Employees dismissed—Whether employers acting reasonably—Whether dismissals unfair
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EMPLOYMENT—*continued*

Unfair dismissal—*continued*

Reasonableness of dismissal—continued

Misconduct—*continued*

Computer—Deliberate and unauthorised access to computer files—Summary dismissal for gross misconduct—Whether purpose for obtaining access to file relevant
Denco Ltd. v. Joinson, E.A.T. [1991] I.C.R. 172

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Criminal behaviour—School groundsman admitting indecent assault on daughter—Notification of dismissal by employers prior to sentence and before investigating alternative employment—Whether employers acting reasonably—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Decision to dismiss based on employee's admissions—Whether reasonableness of investigation relevant—Correct approach in determining reasonableness of dismissal—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6) **Boys and Girls Welfare Society v. Macdonald,** E.A.T. [1997] I.C.R. 693

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Auguste Noel Ltd. v. Curtis, E.A.T. [1990] I.C.R. 604

Dismissal for misuse of computer facilities—Similar misconduct by member of staff—Documents relating to disciplinary proceedings against member of staff—Relevance to issue of whether employers acting reasonably—Employment Protection (Consolidation) Act 1978, s. 57(3)—Industrial Tribunals (Rules of Procedure) Regulations 1980, Sch., r. 4(1)(*b*) **Eagle Star Insurance Co. Ltd. v. Hayward,** E.A.T. [1981] I.C.R. 860

Dismissal for playing cards—Employers' failure to carry out proper investigation—Tribunal finding investigation might have influenced decision to dismiss—No finding whether proper investigation would have affected decision to dismiss—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Dismissal for reason relating to employee's conduct—Employer's investigation into alleged misconduct—Whether permissible for tribunal to substitute its own view—Whether band of reasonable responses appropriate test of fairness—Employment Rights Act 1996, s. 98(1)(2)(4) **Foley v. Post Office,** C.A. [2000] I.C.R. 1283

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Unfair dismissal -*continued*
Reasonableness of dismissal—continued
Misconduct—*continued*

Employee involved in theft from employers—Insufficient investigation by employers before dismissing employee—Onus on employers to show dismissal fair
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EMPLOYMENT—*continued*
Unfair dismissal—*continued*
Reasonableness of dismissal—continued
Misconduct—*continued*

Machine operators dismissed for breach of time-keeping rules—Tribunal's finding of unfair dismissal and order for reinstatement—Whether "practicable" for employers to comply with reinstatement order—Employment Protection Act 1975, s. 71(6)(*b*)
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EMPLOYMENT—*continued*

Unfair dismissal—*continued*

Reasonableness of dismissal—continued

New terms of employment—*continued*

Dismissal of employees on refusal to accept new terms of contract—Whether reasonableness of new terms crucial to question whether dismissals fair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by the Employment Act 1980, s. 6)
St. John of God (Care Services) Ltd. v. Brooks, E.A.T. [1992] I.C.R. 715

Refusal to work to new job description imposed in breach of contract—Whether open to tribunal to find employers acting reasonably in dismissing on that ground—Employment Rights Act 1996, s. 98(4) **Farrant v. The Woodroffe School,** E.A.T. [1998] I.C.R. 184

Teacher engaged as director of school resources centre—Teaching duties ancillary to work as director—Head teacher requiring substantial increase in teaching duties—Whether reasonable—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
Redbridge London Borough Council v. Fishman, E.A.T. [1978] I.C.R. 569

Non-renewal of contract

Employment for fixed term—Contract not renewed by employers—Whether "some other substantial reason" so as to justify dismissal—Whether employment for particular job on temporary basis—Trade Union and Labour Relations Act 1974, Sch.1, paras. 5(2)(*b*), 6(1)(8) **Terry v. East Sussex County Council,** E.A.T. [1976] I.C.R. 536

Teacher employed on series of short-term contracts—Contract not renewed—Whether dismissal for redundancy—Whether non-renewal of contract other substantial reason for dismissal—Employment Protection (Consolidation) Act 1978, ss. 55(2), 57(1)(*b*)
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Opportunity to explain conduct

Admission to police of theft from employers—Police informing employers of admission—Employee neither offering explanation nor given opportunity to explain conduct—Whether dismissal unfair—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
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Employee refusing to obey instructions and leaving premises—Summarily dismissed—No opportunity to explain conduct—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57 **W. & J. Wass Ltd. v. Binns,** C.A. [1982] I.C.R. 486

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Employers investigating criminal malpractices by employees—Summary dismissal of employees on conclusion of investigation—Employees not given particulars of alleged misconduct or opportunity to explain—Whether dismissals fair—Employment Protection (Consolidation) Act 1978, s. 57(1)(3) (as amended by Employment Act 1980, s. 6)
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Unfair dismissal *continued*

Reasonableness of dismissal—continued

Opportunity to explain conduct—*continued*

Employers investigating reason for employee's late return to work—Employee dismissed without opportunity to explain conduct—Correct approach to judicial guidelines on statutory interpretation—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
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Police officers present at disciplinary proceedings—Whether employee given opportunity to explain conduct **Read v. Phoenix Preservation Ltd.,** E.A.T. [1985] I.C.R. 164

Redundancy

Chief executive dismissed for redundancy—Local authority acting reasonably in dismissing chief executive—Severance terms including all statutory and contractual entitlements—Tribunal finding that circumstances warranted more generous terms—Whether dismissal unfair **Hinckley & Bosworth Borough Council v. Ainscough,** E.A.T. [1979] I.C.R. 590

Employee dismissed for redundancy—Industrial tribunal finding that employers acting unreasonably in treating reason for dismissal as sufficient reason—Whether finding applicable to redundancy situation—Industrial Relations Act 1971, s. 24(5)(6)
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Employers closing factory because of redundancy situation—Employee's job redundant—Employee's complaint of unfair dismissal—No specific complaint of employers' failure to find employee another job—Discharge of onus of proof by employers—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
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One post created to absorb two—Two candidates—One candidate felt to be capable of doing better job than other—Whether unfair to dismiss other candidate already carrying out duties of new post—Test to be applied by tribunal—Trades Union and Labour Relations Act 1974, Sch. 1, para. 6(8) **Grundy (Teddington) Ltd. v. Willis,**
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Employee given permission to bring baby to work—Subsequently child involved in accidents and distracting mother—Request to employee not to bring young child to work—Employee's refusal—Dismissal of employee
Lawrence v. Newham London Borough Council, E.A.T. [1978] I.C.R. 10

Employee's refusal to sign undertaking settling libel action to which he was defendant—Whether employers acting reasonably in treating refusal as ground for dismissal—Employment Protection (Consolidation) Act 1978, s. 57
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C.A. [1981] I.C.R. 542

Refusal by cable-pullers to work with electrician—Cable-puller's belief that electrician responsible for accident—Electrician cleared at inquiry—Dismissal of cable-pullers—Reason relating to cable-pullers' conduct—Whether employer acted reasonably in dismissing cable-pullers—Relevant knowledge at time of dismissal—Industrial Relations Act 1971, s. 24(2)(*b*)(6) **St. Anne's Board Mill Co. Ltd.v. Brien,**
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Unfair dismissal—*continued*

Reasonableness of dismissal—continued

Refusal to work overtime

Refusal to accept new terms of contract relating to overtime—Dismissal -Whether employers reasonable in treating refusal as sufficient reason for dismissal—Employment Protection (Consolidation) Act 1978, s. 57(3)
Evans v. Elemeta Holdings Ltd., E.A.T. [1982] I.C.R. 323

Refusal to work overtime—Employee dismissed—Nature of work requiring employee to work overtime—Whether obligation to work overtime implied term of contract -Whether dismissal fair **Horrigan v. Lewisham London Borough Council,** E.A.T. [1978] I.C.R. 15

Reorganisation

Creation of new post—Employee dismissed following reorganisation of department—Subsequent application for new job refused—Industrial tribunal's finding decision to reorganise justified but employee not given proper consideration for new post—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6) **Labour Party v. Oakley,** E.A.T. [1987] I.C.R. 178
C.A. [1988] I.C.R. 403

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Gray v. Grimsby Town Football Club Ltd., E.A.T. [1979] I.C.R. 364

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Employee dismissed summarily—Whether dismissal without notice or wages in lieu of notice unfair—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
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Employers contractually bound to dismiss employee—Whether employers acting reasonably in dismissing employee—Employment Protection (Consolidation) Act 1978, s. 57(1)(3) (as amended by Employment Act 1980, s. 6)
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Failure to consult employee prior to dismissal

Employee conducting negotiations on union's behalf—Failure to consult employee personally prior to dismissal -Whether employers acting reasonably—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Protection Act 1980, s. 6)
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Unfair dismissal *—continued*

Redundancy—continued

Failure to consult employee prior to dismissal*—continued*

No evidence of decision by employers that consultation pointless—Whether dismissal fair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6) **Duffy v. Yeomans & Partners Ltd.,** E.A.T. [1993] I.C.R. 862
C.A. [1995] I.C.R. 1

No prior consultation, warning, or offer of alternative downgraded employment—Employers' mode of selection for redundancies not unfair—Whether employers acted reasonably—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
George M. Whiley Ltd. v. Anderson, E.A.T. [1977] I.C.R. 167

Unsatisfactory work given as reason for dismissal—No warning of future redundancy—Whether employers acted reasonably in treating as sufficient reason for dismissal—Industrial Relations Act 1971, s. 24(5)(6) **Rigby v. British Steel Corpn.,** N.I.R.C. [1973] I.C.R. 160

Selection for redundancy see also *Trade union:* Union activities

Agreed procedure for selection—Dismissal alleged to be in contravention of agreement—Necessity for industrial tribunal to make specific findings regarding alleged contravention—Burden of proof Employment Protection (Consolidation) Act 1978, ss. 57(3), 59 (as amended by Employment Act 1980, s. 6)
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Agreed procedure last in, first out—Driver with shorter cumulative period selected for redundancy—Driver not selected having left employment for short period—Whether dismissal unfair—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(7)(*b*)
International Paint Co. Ltd. v. Cameron, E.A.T. [1979] I.C.R. 429

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Employees on strike—Redundancy situation arising during strike—Employer preferring to select for redundancy those employees who had taken part in strike—Whether selection unfair—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(8)
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Industrial tribunal applying specific principles of good industrial relations—Guidelines of appeal tribunal—Tribunal's finding dismissals unfair—Whether industrial tribunal's decision perverse—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Industrial tribunal finding selection procedure rendering dismissal unfair—Duty to consider equity and substantial merits of case—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)
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Unfair dismissal—*continued*
Redundancy—*continued*
Selection for redundancy—*continued*

Management's subjective selection for redundancy—Industrial tribunal finding dismissals fair—Tribunal's need to have regard to current standards of fair industrial practice—Whether industrial tribunal's decision perverse
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Policy of "last in, first out, all other things being equal"—Industrial tribunal's finding that other things were not equal—Whether tribunal erred in substituting own view
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Practice of selecting volunteers for redundancy—Number of volunteers insufficient—Applicants compulsorily made redundant—Whether dismissals unfair—Whether agreed procedure or customary arrangement—Employment Protection (Consolidation) Act 1978, s. 59(*b*) **Rogers v. Vosper Thornycroft (U.K.) Ltd.,** E.A.T. [1988] I.C.R. 305
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Procedure agreed some years earlier with staff association not operating—Whether "agreed procedure"—Whether "special reasons" for departing from procedure—Whether procedure carried out selection for redundancy or consideration for alternative employment—Employment Protection (Consolidation) Act 1978, ss. 59(*b*), 81(2)(*b*)
Ball v. Balfour Kilpatrick Ltd., E.A.T. [1997] I.C.R. 740

Redundancy situation affecting many employees—Burden of proof on employers to show how, by whom, and on what basis selection made—Tribunal's finding of insufficient evidence to discharge burden of proof—Whether correct—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(1)(8)
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Registered disabled employee—Whether employers having reasonable cause to dismiss disabled person—Disabled Persons (Employment) Act 1944, s. 9(5)
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Compensatory award

Industrial tribunal awarding loss of earnings between dismissal and re-engagement—Whether sum to be reduced for failure to diligently assert claim for re-engagement—Employment Protection (Consolidation) Act 1978, s. 69(1)(4)(6)
City and Hackney Health Authority v. Crisp, E.A.T. [1990] I.C.R. 95

Order to re-engage employee at lower salary—Compensation assessed on pre-dismissal salary—Whether error in award—Order for re-engagement not stating place of work—Whether industrial tribunal power to amend award—Employment Protection (Consolidation) Act 1978, ss. 69(4), 74
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Non-compliance with order see also *Compensation:* Reinstatement order

Compensation based on 82 weeks' loss of pay together with maximum additional award—Duty of employee to mitigate his loss—Conduct of employee—Whether award excessive—Employment Protection (Consolidation) Act 1978, ss. 69, 71(2) (as amended by Employment Act 1982, s. 5(1))
Morganite Electrical Carbon Ltd. v. Donne, E.A.T. [1988] I.C.R. 18

Duty to find suitable employment for dismissed employee—Whether practicable to find employment—Whether compensation payable for non-compliance with order—Employment Protection (Consolidation) Act 1978, ss. 68, 69(1)(6), 71(2)(*b*)
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Obligation to inquire as to

Employee dismissed for redundancy—Employment tribunal finding dismissal unfair but inevitable after further 2 weeks—Tribunal awarding compensation without inquiring whether employee wishing order for reinstatement—Whether failure to inquire irrelevant—Whether likelihood of dismissal to be evaluated on balance of probabilities or percentage chance—Employment Rights Act 1996, s. 112(2)
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EMPLOYMENT *—continued*

Unfair dismissal—*continued*

Re-engagement—continued

Obligation to inquire as to *continued*

Employee seeking compensation—Industrial tribunal awarding compensation without asking whether employee wishing order for reinstatement or re-engagement—Whether decision nullity—Employment Protection (Consolidation) Act 1978, s. 68(1)
Cowley v. Manson Timber Ltd., E.A.T. [1994] I.C.R. 252
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"Practicable"

Applicant seeking re-engagement or reinstatement—Whether "practicable" for employer to comply with order—Employment Protection (Consolidation) Act 1978, s. 69(5)(6)
Rao v. Civil Aviation Authority, E.A.T. [1992] I.C.R. 503

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Unfair dismissal—*continued*

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Boilermakers on strike for more pay—Fitter refusing to cross picket line—Fitter returning to work before end of strike—Fitter subsequently dismissed for redundancy—Employee boilermaker dismissed—Complaint of unfair dismissal—Whether fellow employee "relevant employee" who had not been dismissed—Employment Protection (Consolidation) Act 1978, s. 62(2)(4)
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Trade union

Membership

Contract of employment stating employee's right not to join union—Agreement between employers and union that employees must be members of that union—Employee dismissed for refusing to join union—Whether agreement "union membership agreement" overriding employee's contractual rights—Whether dismissal fair—Trade Union and Labour Relations Act 1974, s. 30, Sch. 1, para. 6(5)
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Vicarious liability
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Janstorp International (U.K.) Ltd. v. Allen, E.A.T. [1990] I.C.R. 779

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Local authority employee

No contractual entitlement to paid annual leave—Failure to implement Community law to provide entitlement—Whether Community law provision having direct effect—Council Directive (93/104/E.C.). arts. 7, 18
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Breach of contract

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Per rem judicatam

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EUROPEAN COMMUNITY

Breach of Community law

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Free competition

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Invalidity benefit and invalidity allowance discriminating against women by virtue of difference in pensionable ages—Whether exempt from principle of equal treatment—Social Security Contributions and Benefits Act 1992, ss. 33, 34—Council Directive (79/7/E.E.C.), art. 7(1)(*a*)
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Migrant workers

Family allowances paid to orphans of deceased worker—Whether liability to pay family allowances ceasing at age 18—Whether relevant institution able to initiate review of rights granted personally—Council Regulation (E.E.C.) No. 3, art. 42(5)—Council Regulation (E.E.C.) No. 1408/71, art. 94(5)
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Caisse Primaire d'Assurance Maladie de Selestat v. Association du Football Club d'Andlau (Case 8/75), E.C.J. [1975] I.C.R. 412

Pension paid by member state to widow with special increases applicable to worker dying before age of 55—Amount based on ratio between insurance periods completed in member state and those previously completed in Luxembourg—Law of Luxembourg providing for special increases without recourse to aggregation—Whether Luxembourg pension authority liable to pay special increases—E.E.C. Treaty, art. 51—Council Regulation (E.E.C.) No. 3, arts. 12, 27, 28
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Pension in one member state based on pensioner's period of employment—Parallel pension in another member state based on divorced spouse's period of employment—Whether "benefits of the same kind"—Whether rule against overlapping applicable—Council Regulation (E.E.C.) No. 1408/71, arts. 12(2), 46a(1) (as amended by Council Regulations (E.E.C.) No. 2001/83 and (E.E.C.) No. 1248/92)
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Unemployment benefit

Allowance for unemployed persons aged over 52 years—Entitlement dependent on 15 years' pension contributions—Whether contrary to Community law—Relevant national contributions paid on claimant's behalf for less than one year—Whether contributions in other member states to be taken into account—E.C. Treaty, arts. 48, 51—Council Regulation (E.E.C.) No. 1408/71, arts. 48(1), 67
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Dismissal of pregnant applicant unable to carry out contract—Whether discrimination on ground of sex—Whether fundamental reason for dismissal unavailability for job or pregnancy—Council Directive (76/207/E.E.C.), art. 2(1)
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EUROPEAN ECONOMIC COMMUNITY *see* EUROPEAN COMMUNITY

FACTORY

Asbestos dust

Protection

Asbestos dust falling from factory roof—Employees dry sweeping factory floor—Whether "process"—Contractor repairing roof without safety precautions—Liability of employer and contractor to employee—Asbestos Regulations 1969, regs. 3(2), 5(2), 9, 10
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Demolition of kiln lined with asbestos—Workman not wearing respirator—Whether demolition of kiln "process" in factory—No evidence of injury to workman's health—Liability of employer—Factories Act 1961, s. 175—Asbestos Regulations 1969, regs. 2(3), 5(1), 8(1) **Reg. v. A.I. Industrial Products Plc.,** C.A. [1987] I.C.R. 418

Demolition of kilns with roofs containing asbestos—Application of Regulations—Whether demolition of kilns "process" in factory—Factories Act 1961, s. 76(1)—Asbestos Regulations 1969, regs. 3(1)(2), 5(1)(2) **Nurse v. Morganite Crucible Ltd.,** H.L.(E.) [1989] I.C.R. 15

Dangerous machinery (fencing)

Defective guard

Machine operator replacing defective guard incorrectly on machine Accident—Whether employers liable for providing defective guard—Horizontal Milling Machines Regulations 1928, reg. 3 **Lineker v. Raleigh Industries Ltd.,** C.A. [1980] I.C.R. 83

"Machinery"

Engine adapted to heat workshop while being tested—Whether engine temporary equipment of factory—Factories Act 1961, s. 14(1)
Ballard v. Ministry of Defence, Griffiths J. [1976] I.C.R. 54
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Dangerous machinery (fencing)—*continued*

"Machinery"—continued

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Eyes

Protection

Employee applying glaze to jars by compressed air spray—No system of inspection before glaze applied to interiors—No goggles or shield provided—Employee injured by particle flying out of jar—Whether injury foreseeable—Whether duty to provide protection—Factories Act 1961, s. 65—Protection of Eyes Regulations 1974, reg. 5, Sch. 1, para. 27 **Gerrard v. Staffordshire Potteries Ltd.,** C.A. [1995] I.C.R. 502

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Opening

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Unfenced loading bay in factory—Whether bay "opening" in floor—Whether nature of work rendering fencing impracticable—Whether safe place to work—Factories Act 1961, ss. 28(4), 29(1) **Allen v. Avon Rubber Co. Ltd.,** C.A. [1986] I.C.R. 695

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Obligation to keep floor free from obstruction—Employee tripping over wire—No explanation for presence of wire—Risk not foreseeable—Whether reasonably practicable to keep floor free from obstruction—Factories Act 1961, s. 28(1) **Bennett v. Rylands Whitecross Ltd.,** Kilner Brown J. [1978] I.C.R. 1031

Slippery substance—Obligation to keep floor free from—Employee slipping on patch of oil—No evidence of precautions to prevent oil on floor—Employer establishing satisfactory system of cleaning floor—Whether sufficient to discharge statutory duty—Factories Act 1961, s. 28(1) **Johnston v. Caddies Wainwright Ltd.,** C.A. [1983] I.C.R. 407

Gangway

Obstruction, removal of

Gangway partially obstructed by toe-board—Plaintiff injured while attempting to remove toe-board—Whether plaintiff's injury caused by breach of obligation to keep gangway free from obstruction—Construction (Working Places) Regulations 1966, reg. 30(2) **McGovern v. British Steel Corpn.,** C.A. [1986] I.C.R. 608

Heavy load

Injury by lifting

Employee previously suffering back injury—Employer giving no specific instructions in connection with lifting loads—Employee spraining back—Whether employer negligent at common law and in breach of statutory duty—Factories Act 1961, s. 72(1) **Bailey v. Rolls Royce (1971) Ltd.,** C.A. [1984] I.C.R. 688

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Safe place of work

Dermatitis, risk of

Machine used with heavily contaminated coolant—Risk of dermatitis known—No system to ensure cleansing of machines—Whether breach of statutory duty—Factories Act 1961, s. 29
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Employee injured by fall on ice in factory car park—Whether employers' duty to sand and grit car park—Factories Act 1961, s. 29(1)
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Larner v. British Steel Plc., C.A. [1993] I.C.R. 551

Temporary obstruction

Piece of pipe left on floor of fire engine cab—Whether breach of duty to keep place of work safe—Factories Act 1961, s. 29(1) **Cox v. H. C. B. Angus Ltd.,** Lloyd J. [1981] I.C.R. 683

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Noxious dust

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AIR TRADING

Consumer credit

Extortionate bargain

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Union and proprietors of newspaper agreeing procedure for determining disputes between members of union and proprietors—Dismissed employee agreeing to hearing to resolve dispute—Employee's allegation of publication of defamatory statement at hearing—Whether term to be implied into agreement preventing employee from bringing action for defamation
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Competitive tendering

Council releasing workforce information only on tenderer undertaking to bid on transfer of undertaking basis—In-house tender accepted though lower bids—Whether council acting anti-competitively—Direction forbidding council to carry out contract—Whether lawful—Local Government, Planning and Land Act 1980, ss. 9(4)(*aaaa*), 19B(2)(*a*) (as inserted by Local Government Act 1988, Sch. 6, paras. 3(3), 9)
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Reg. v. Walsall Metropolitan Borough Council, *Ex parte* **Yapp,** C.A. [1994] I.C.R. 528

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Town clerk of local authority to be abolished appointed chief executive of newly-formed authority—Appointment terminated after restructuring of administration—Claim for compensation—Whether loss of employment "attributable to" Act—Local Government Act 1972, s. 259(1)—Local Government (Compensation) Regulations 1974, reg. 4(1), Sch. 3
Walsh v. Rother District Council, Donaldson J. and C.A. [1978] I.C.R. 1216

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Teacher transferred from employment with one local authority to another—Widow claiming gratuity—First employer's practice to make payment—Whether scheme for teachers excluding payment of gratuity—Superannuation Act 1972, s. 7—Local Government Superannuation Regulations 1974, reg. 114
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Retained fireman—Obligation to attend promptly at fire station in response to call at any time—Whether contractual minimum hours of employment amounting to 30 or more in each week—Local Government Superannuation Regulations 1974, regs. A3(1), B2(1)
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MEDICAL PRACTITIONER

Infamous conduct in professional respect

Suspension

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Manager's duty to secure adequate instruction and competence to work unsupervised—Tippler operator killed while voluntarily working as wagon lowerer—Whether "employed" on work—Whether breach of duty—Mines and Quarries Act 1954, s. 88
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Manager's duty to secure "every . . . length of road" free from obstruction—Materials stored at side of road—Plaintiff falling over angle iron—Whether obstruction—Whether duty extending to whole road or restricted to walkway Mines and Quarries Act 1954, s. 34(1)(*b*)
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Group secretary accepting appointment as deputy group secretary to new management committee Salary protected for four years—"Loss of emoluments"—Date loss accruing—Entitlement to long-term compensation—Time limit for claim—National Health Service (Compensation) Regulations 1971, regs. 2, 3, 4, 13(1)
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EGLIGENCE

Duty of care to whom?

Employee

Employment overseas in country without compulsory motor insurance Employee injured in road accident and unable to recover damages from tortfeasor—Whether duty on employer to protect employee's economic welfare—Whether duty to insure or warn employee of risk—Whether relationship imposing on employer duty to advise—Whether employer liable for employee's economic loss **Reid v. Rush & Tompkins Group Plc.,** C.A. [1990] I.C.R. 61

Engineer on short-term assignment in Saudi Arabia Employer always in United Kingdom - Hazard created in flooring resulting in injury to employee Whether employer's duty to ensure safety of employee **Cook v. Square D Ltd.,** C.A. [1992] I.C.R. 262

Secretary typing at speed for prolonged periods developing symptoms of repetitive strain injury Employer instructing typists but not secretaries to take rest breaks—Whether employer owing duty of care Whether negligent—Whether Court of Appeal entitled to interfere with judge's findings of fact
Pickford v. Imperial Chemical Industries Plc., C.A. [1997] I.C.R. 566
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Duty of care to whom?—*continued*

Employee—continued

Social services manager of local authority—Increasing caseload causing breakdown—Subsequent return to work on promise of assistance—Further breakdown when assistance not continued—Whether employers owing duty of care—Whether psychiatric damage reasonably foreseeable
Walker v. Northumberland County Council, Colman J. [1995] I.C.R. 702

Former company representative

Character reference—Reference supplied to third party under regulatory organisation rules—Reference resulting in loss of position by former company representative—Whether company liable to former representative in negligence
Spring v.Guardian Assurance Plc., C.A. [1993] I.C.R. 412
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Application for benefit following retirement on medical grounds—Information supplied by employers to pension trustees—Whether employers owing duty of care
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Character reference—Reference supplied to third party—Reference resulting in loss of job by former employee—Whether employer liable to former employee for negligent reference given to third party **Lawton v. B.O.C. Transhield Ltd.,** Tudor Evans J. [1987] I.C.R. 7

Independent contractor

Individual contractors renovating house for owner—Erection of scaffolding by scaffolding company—Provision of boards for use of contractors—Boards laid negligently on scaffolding—Contractor injured—Whether owner owing duty of care to contractor
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Hill v. James Crowe (Cases) Ltd., MacKenna J. [1978] I.C.R. 298

Occupational health adviser

General practitioner retained by employer to assess job applicant's medical questionnaire—Advising applicant unsuitable for permanent employment—Whether acting under contract of service —Whether owing applicant duty of care
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Police officer reporting to superior officers sexual assault by fellow officer when off duty—Subsequent harassment by fellow officers—Whether chief officer owing duty of care—Whether vicariously liable for conduct of fellow officers—Police Act 1964, s. 48(1)
Waters v. Comr. of Police of the Metropolis, C.A. [1997] I.C.R. 1073
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Senior police officer deploying police officers to restore public order during riot—Police officer injured—Whether senior officer owing duty of care to junior officer
Hughes v. National Union of Mineworkers, May J. [1991] I.C.R. 669

Woman police officer attacked by prisoner—Fellow officer accompanying her failing to intervene in breach of police duty—Whether duty of care owed
Costello v. Chief Constable of Northumbria, C.A. [1999] I.C.R. 752

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Duty of care to whom?—*continued*

Serviceman

Transport in rear of Army lorry provided for soldiers' recreational outing Soldiers drunk on return journey—Soldier climbing on tailgate and falling from back of lorry—Whether Army under duty to supervise soldiers—Whether accident reasonably foreseeable
Jebson v. Ministry of Defence, C.A. [2000] I.C.R. 1220

Foreseeability of consequential injury

Nervous shock

Disaster at football stadium caused by negligence of chief constable and others Police officers suffering psychiatric injury after tending victims Whether owed duty as employees Whether owed duty as rescuers
Frost v. Chief Constable of South Yorkshire Police, H.L.(E.) [1999] I.C.R. 216

Fatal accident in mine following explosion caused by mine owners' breach of duty—Plaintiff not present at scene but believing himself responsible for colleague's death—Plaintiff suffering reactive depression—Whether sufficient proximity in time and space—Whether nervous shock to plaintiff reasonably foreseeable consequence of mine owners' breach of duty **Hunter v. British Coal Corpn.,** C.A. [1999] I.C.R. 72

Foreseeability of risk

Causation

Claimant's exposure to asbestos dust during employment with defendant and other employers resulting in asbestosis—Defendant's tortious conduct materially contributing to claimant's disability—Whether defendant liable for whole or part of disability—Whether obliged to plead others' contribution to claimant's condition
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Employee's wife exposed to lead dust while cleaning husband's overalls and boots Husband's exposure to lead not significant—Wife suffering from lead poisoning—Whether employer owing duty of care to wife Control of Lead at Work Regulations 1980, reg. 8
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C.A. [1992] I.C.R. 530

Nervous shock

Police constable suffering psychiatric injury following negligent act of sergeant while jointly carrying out police duties—Physical injury reasonably forseeable—Whether constable participant or mere bystander Whether chief constable liable for psychiatric injury
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Safe system of work

Building site

Employers subcontracted on labour only basis to carry out groundwork—Unskilled workman under contractors' control injured operating contractors' dumper truck—Whether employers or contractors liable to workman
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Employee of cleaning contractors injured by faulty sink in store room used mainly by contractors' employees Apportionment of liability between employers and occupiers of premises Whether cleaning contractors primarily responsible as employer—Civil Liability (Contribution) Act 1978, s. 2
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Dermatitis

Cleaner contracting dermatitis from detergents and other household cleaners Whether employers under duty to warn of risk and instruct cleaner to wear rubber gloves
Pape v. Cumbria County Council, Waite J. [1992] I.C.R. 132

Eyes, protection of

Workman ordinarily wearing glasses Wrench slipping, shattering glasses Workman losing eye Whether risk of injury to workman wearing glasses foreseeable Whether duty to supply workman with shatter-proof glasses
Pentney v. Anglian Water Authority, Comyn J. [1983] I.C.R. 464

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Safe system of work—*continued*

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Plaintiffs suffering from fybro-myalgia resulting from repetitive keystrokes—Pain having either physical or psychogenic cause—Judge rejecting as improbable employer's evidence of psychogenic cause—Whether physical cause established on balance of probabilities
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Productivity agreement

Fitters agreeing general workers may change V-belts—Process workers instructed that they might only change V-belts with permission and under supervision of foreman—Process worker disobeying order injured—Employers' duty under productivity agreement
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Employer's rules for safety of employees working on railway line—Non-compliance with rules—Employee killed by train—Whether employers liable
Trotman v. British Railways Board, Bridge J. [1975] I.C.R. 95

Ship

Deckhand instructed by employers to work on tug not owned by them—Tug captain devising system for signalling when safe for tug to move—Captain moving tug without signal—Deckhand injured—Whether employers' duty to ensure operation of safe system—Delegation of duty to captain—Whether non-delegable duty
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Unsupervised work

Accident while colliery worker voluntarily engaged in work for which not trained—No warning given of danger of doing work unsupervised—Whether accident foreseeable—Whether negligence **Thompson v. National Coal Board,** C.A. [1982] I.C.R. 15

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OCCUPIERS' LIABILITY

"Occupation"

Contractor

Sub-contractor engaging independent contractor to lay asbestos roof—Independent contractor killed as a result of fall from roof—Whether both main contractor and sub-contractor in occupation of roof—Occupiers' Liability Act 1957, s. 2(2)
Clare v. L. Whittaker & Son (London) Ltd., Judge Edgar Fay Q.C. [1976] I.C.R. 1

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Construction of resolution by court—Principles to be applied—Fair Wages Resolution of 1946
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Reference to Parliamentary material as aid to construction of statute—Whether questioning or impeaching proceedings in Parliament—Bill of Rights 1689, art. 9
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Suspension

Deputy chief constable refusing suspended officer's request to attend Police Federation meetings—Whether refusal lawful—Whether suspended officer remaining member of Federation—Whether affidavit giving reasons for refusal admissible—Police Federation Regulations 1969, reg. 4—Police (Discipline) Regulations 1985, reg. 27
Reg. v. Deputy Chief Constable of the North Wales Constabulary, *Ex parte* **Hughes,** C.A. [1991] I.C.R. 180

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Policeman's injury award

Officer retiring as a result of stress caused by victimisation at work—Whether injury received "in the execution of duty"—Police Pensions Regulations 1987, regs. A11, B4
Reg. v. Kellam, *Ex parte* **South Wales Police Authority,** Richards J. [2000] I.C.R. 632

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Probationer

Applicant on extended sick leave at expiry of prescribed probationary period—Extension of probation after expiry of prescribed period—Whether permissible—Whether decision delegable—Dismissal during period of extension—Whether lawful—Police Regulations 1995, regs. 14(2) (as amended by Police (Amendment) Regulations 1995, reg. 7 and Police (Amendment) Regulations 1996, reg. 3), 15(1)
Reg. v. Chief Constable of Greater Manchester Police, *Ex parte* **Lainton,** C.A. [2000] I.C.R. 1324

Special constable

Whether holder of office of constable—Police Act 1964, ss. 16(1), 18—Race Relations Act 1976, s. 16 **Sheikh v. Chief Constable of Greater Manchester Police,** C.A. [1989] I.C.R. 373

PRACTICE

Discovery *see also* INDUSTRIAL RELATIONS: **Employment tribunals:** *Discovery*

Action for

Third party supplying information causing employer to dismiss plaintiff—Employer refusing to disclose identity of informant or nature of allegations—Plaintiff seeking discovery against employer in order to bring action against third party—Whether discovery to be ordered
P. v. T. Ltd., Sir Richard Scott V.-C. [1997] I.C.R. 887

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Transcript of evidence in statutory examination by liquidator—Document in possession of witness—Witness seconded to subsidiary of second defendant to action—Whether witness owing second defendant duties of employee—Whether witness acting in course of employment—Whether second defendant entitled to demand document from witness—Whether document in second defendant's power—Whether court should order discovery—Insolvency Act 1986, s. 236—Insolvency Rules 1986, r. 9.5(2)
MacMillan Inc. v. Bishopsgate Investment Trust Plc. (No. 2), Millet J. [1993] I.C.R. 385

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Confidentiality—Complaints by employees of discrimination—Whether employers obliged to disclose documents relating to other employees
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Correspondence between employer and advisers relating to dismissal of employee—Application by employee for discovery in claim of unfair dismissal—Advisers not legally qualified—Whether legal professional privilege attaching to correspondence
New Victoria Hospital v. Ryan, E.A.T. [1993] I.C.R. 201

Public interest immunity

Complaint of sex discrimination by woman assistant chief constable—Industrial tribunal ordering disclosure of police reports and files—Whether subject to public interest immunity
Halford v. Sharples, C.A. [1992] I.C.R. 583

PRACTICE *—continued*

Discovery *see also—continued*

Public interest immunity—continued

Complaint of unfair dismissal by diplomat—Application for disclosure of documents in possession of Foreign Office—Minister claiming public interest immunity on grounds of national security—Correct approach
Balfour v. Foreign and Commonwealth Office, E.A.T. [1993] I.C.R. 663
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Complaints of sex and race discrimination by policewoman—Application for discovery of statements made in internal grievance procedure—Whether documents necessary—Whether subject to public interest immunity
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Proceedings against employers for personal injuries—Discovery of employee's medical records—Whether employers entitled to production of documents by medical practitioner to their legal and medical advisers—County Courts Act 1984, s. 53(2)
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Proceedings by employee injured at work—Claim for damages for continuing loss of earnings—Discovery of employee's general medical records sought—Whether relevant—Whether stay of action pending employee's consent to production appropriate
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Park v. National Coal Board, C.A. [1981] I.C.R. 783

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Right of audience

Trade union—Whether right of audience by secretary—Court's discretion
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RESTRAINT OF TRADE

Boxer

Boxer–manager agreement

Boxer's manager seeking to restrain defendant from acting for boxer—Relationship dependent on mutual trust and confidence—Whether effect of granting relief to compel boxer to perform contract with manager—Whether relief appropriate
Warren v. Mendy, C.A. [1989] I.C.R. 525

Manager of professional boxer also promoter—Terms of agreement complying with regulations and restrictions of British Boxing Board of Control—Disputes to be referred to board's arbitration procedure—Whether terms reasonable—Whether restrictions enforceable against boxer **Watson v. Prager,** Scott J. [1991] I.C.R. 603

Commission agent

Salesman

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Credit-token

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RADE DISPUTE

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Ballot

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C.A. [1993] I.C.R. 189

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Procuring breach of contract—continued

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Shipping

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Jurisdiction of High Court

Blacking goods

"Blacking" goods destined for cold storage firm and picketing firm's premises—Complaint to Industrial Court and action in tort in High Court—Whether actionable in High Court—Whether High Court proceedings subject to stay—Industrial Relations Act 1971, ss. 61(1), 131, 132 **Midland Cold Storage Ltd. v. Steer,** Megarry J. [1972] I.C.R. 435

Unfair industrial practice

"Blacking"

"Blacking" of container lorries organised by union committee of dockers and lorry drivers—Complainants prevented from delivering customers' goods—Interim order on union to cease "blacking"—Industrial Relations Act 1971, s. 96(1)
Heatons Transport (St. Helens) Ltd. v. TGWU (Interim Proceedings), N.I.R.C. [1972] I.C.R. 285

Employees dismissed—"Blacking" of lorries induced by shop stewards—Not authorised by senior union officers—Employer's breach of procedure agreement—Accountability of union for unofficial action—Interim order on union to cease "blacking"—Industrial Relations Act 1971, s. 96(1) **Howitt Transport Ltd. v. TGWU,** N.I.R.C. [1973] I.C.R. 1

Summary dismissal of two employees—"Blacking" of garages in support of employees—Complaints of unfair dismissal—Whether "just and equitable" to grant relief—Whether investigation of complaints proper—Industrial Relations Act 1971, ss. 96(1), 101(3)
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Discrimination—*continued*

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International federation of unions—Affiliated unions autonomous bodies—Swedish affiliated union blacking ship abroad—Whether federation responsible for blacking—Whether accountable for Swedish unions—Industrial Relations Act 1971, s. 96(1)
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"Industrial dispute"

Blacking of cold store by dockers—Action organised by shop stewards' committee—Object to replace cold store employees by dockers—Whether dispute between cold store and dockers "industrial dispute"—Whether blacking of cold store unfair industrial practice—Whether committee "organisation of workers"—Whether picketing in support of unfair industrial practice permissible—Whether interim order just—Industrial Relations Act 1971, ss. 22(1), 33(3), 61, 96, 97, 98, 101(2), 134, 167
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"Irregular industrial action short of a strike"

Complainants cargo-handling company—Contract between complainants and airline—Refusal by employees to perform new work without more pay—Communication of refusal to complainants by union—Likelihood of breach of contract with airline—Whether interim order—Industrial Relations Act 1971, ss. 33(4), 96(1)
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"Prevent or deter"—Employee refusing to pay union dues—Warning by employers of possible consequences of employee's refusal—Whether employers deterred or prevented employee from exercising his right—Industrial Relations Act 1971, s. 5(1)(2)(3)
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Strike without notice

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Employers' refusal to negotiate new procedure agreements with union. Employers' application for reference to Commission on Industrial Relations. Threat of strike action by shop steward employees. Shop stewards acting unofficially. Validity of strike notice. Interim order. Purpose of. Industrial Relations Act 1971, ss. 37, 45, 54(4)

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RADE UNION

Amalgamation or transfer

Ballot

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Branch funds

Trustees holding moneys of union's branches. Chapels having their own funds. Union's assets subject to writ of sequestration. Whether branch and chapel funds property of union. Whether funds subject to sequestration

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Ballot

Union divided into regional divisions. Union rule preventing election of more than three candidates from any one region to national executive. Fourth candidate from one region receiving more votes than member elected from another region. Whether result of election determined solely by counting number of votes. Whether union entitled to payment in [illegible] Regulations 1984, reg. 11(f)

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Election—*continued*

Executive council

Decision to hold elections early and postpone declaration of result—When candidates "elected"—Rules providing for election of general secretary by branch block vote and for nomination by single branch—Decision to require nomination by 25 branches—Whether decisions valid—Right of individual member to challenge decisions—Trade Union and Labour Relations (Consolidation) Act 1992, ss. 49(3), 51(6)
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Members not receiving ballot papers or receiving them late—Executive council extending final date for receipt of completed ballot papers—Members not informed that date extended—Whether election valid—New election ordered after declaration of result—Power to order second election
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Certification

Appeal—Certification Officer's grant to staff association of certificate of independence—Trade union objecting to grant of certificate to staff association—Whether right of appeal by union—Employment Protection Act 1975, ss. 8, 88(3)
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"*Arbitrary or unreasonable discrimination*"—Industrial Relations Act 1971, s. 65(4)
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"*Arising out of and in the course of his employment*"—National Insurance (Industrial Injuries) Act 1965, s. 5(1) **Reg. v. National Insurance Comr.,** *Ex parte* **Michael,** C.A. [1977] I.C.R. 121

"*Arrangements*"—Sex Discrimination Act 1975, s. 6(1)(*a*)
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"*Arrangements . . . for the purpose of determining who should be offered employment*"—Race Relations Act 1976, s. 4(1)(*a*)
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"*As an individual*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 146(1)
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"*Associated company*"—Redundancy Payments Act 1965, s. 48(4)
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"*Associated employer*"—Equal Pay Act 1970, s. 1 (6)(*c*)
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"*Associated employer*"—Industrial Relations Act 1971, s. 167(8)
Spanlite Structures Ltd. v. Jarrett, N.I.R.C. [1973] I.C.R. 465

"*Associated employer*"—Contracts of Employment Act 1972, Sch. 1, para. 10(1) (as amended)
Hillingdon Area Health Authority v. Kauders, E.A.T. [1979] I.C.R. 472

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"*Associated employer*"—Employment Protection (Consolidation) Act 1978, s. 64A(1)
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"*Associated employer*"—Employment Protection (Consolidation) Act 1978, s. 153(4), Sch. 13, para. 18 **Russell v. Elmdon Freight Terminal Ltd.**, E.A.T. [1989] I.C.R. 629
"*Associated employer*" Employment Rights Act 1996, s. 231
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"*At an appropriate time*"—Employment Protection (Consolidation) Act 1978, s. 58(2) (as amended)
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"*At one establishment*" Employment Protection Act 1975, s. 99(3) (as amended)
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"*At or near . . . own place of work*"—Trade Union and Labour Relations Act 1974, s. 15(1)(*a*)
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"*At the time of the transfer*"—Employment Protection (Consolidation) Act 1978, Sch. 13, para. 17(2)
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Clark and Tokeley Ltd. v. Oakes, C.A. [1999] I.C.R. 276
"*Attempt to procure*"—Race Relations Act 1976, s. 30(*b*)
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"*Attributable*"—Employment Protection (Consolidation) Act 1978, s. 74(1)
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"*Attributable to*"—Local Government Act 1972, s. 259(1)
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"*Attributable to*"—Local Government (Compensation) Regulations 1974, reg. 4(1)
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"*Attributable to*"—Local Government (Compensation) Regulations 1974, regs. 7(1), 11(1)
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"*At work*"—Health and Safety at Work etc. Act 1974, s. 7 **Coult v. Szuba**, D.C. [1982] I.C.R. 380
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"*Average hourly rate of remuneration*"—Contracts of Employment Act 1963, Sch. 2, para. 2(3)
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"*Ballot*"—Trade Union Act 1984, s. 10(3) (as amended)
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"*Beginning with*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
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"*Benefits*"—Sex Discrimination Act 1975, s. 6(2)(*a*)
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"*Benefits, facilities or services*"—Sex Discrimination Act 1975, s. 6(2)(*a*)
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"*Benefits of the same kind*"—Council Regulation (E.E.C.) No. 1408/71, arts, 12(2), 46a(1) (as amended) **Schmidt (Christel) v. Rijksdienst voor Pensioenen (Case C-98/94)**, E.C.J. [1996] I.C.R. 91
"*Body which can confer authorisation . . . needed for . . . engagement in particular profession*"—Race Relations Act 1976, s. 12(1) **Sawyer v. Ahsan**, E.A.T. [2000] I.C.R. 1
"*Branch or section*"—Employment Act 1980, s. 4(10)
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"*Breach of their contracts of employment*"—Industrial Relations Act 1971, s. 33(4)
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"*Broadly similar*"—Equal Pay Act 1970, s. 1(4) (as amended)
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"*Broadly similar nature*"—Equal Pay Act 1970, s. 1(4) (as amended)
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"*By reason of his religious opinions*"—Education Act 1944, s. 30
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"*By reason of redundancy*"—Redundancy Payments Act 1965, s. 1(2)
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"*By reason of redundancy*"—Employment Rights Act 1996, s. 139(1)
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"*By reason that*"—Race Relations Act 1976, s. 2(1)
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"*By reference to this Act*"—Race Relations Act 1976, s. 2(1)(*c*)
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"*Can comply*"—Race Relations Act 1976, s. 1(1)(*b*)(i)
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"*Can comply with*"—Sex Discrimination Act 1975, s. 1(1)(*b*)
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"*Can readily ascertain*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 234A(3)(*a*) (as inserted)
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"*Capability*"—Industrial Relations Act 1971, s. 24(7)(*a*)
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"*Ceased or diminished*"—Redundancy Payments Act 1965, s. 1(2)(*b*)
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"*Change . . . in the ownership of a business*"—Redundancy Payments Act, s. 13(1)
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"*Changes in the workforce*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(2) **Bullard v. Marchant,** E.A.T. [1986] I.C.R. 389
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"*Circumstances*"—Industrial Relations Act 1971, s. 24(6)
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"*Civil servants*"—Council Regulation (E.E.C.) No. 1408/71, art. 4(4) (as amended)
Vougioukas v. Idrima Koinonikon Asphalisseon (Case C-443/93), E.C.J. [1996] I.C.R. 913

"*Collective bargaining*"—Employment Protection Act 1975, ss. 11(2), 126 (1)
Reg. v. Central Arbitration Committee, *Ex parte* **B.T.P. Tioxide Ltd.,** Forbes J. [1981] I.C.R. 843

"*Commercial purposes*"—State Immunity Act 1978, s. 4(3)
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"*Commercial venture*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2 **Expro Services Ltd. v. Smith,** E.A.T. [1991] I.C.R. 577

"*Common*"—Equal Pay Act 1970, s. 1(6) (as amended)
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"*Common terms and conditions of employment*"—Equal Pay Act 1970, s. 1(6)(*c*) (as amended)
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"*Company*"—Employment Protection (Consolidation) Act 1978, Sch. 13, para. 18 (as amended)
Hancill v. Marcon Engineering Ltd., E.A.T. [1990] I.C.R. 103

"*Comparable*"—Local Government (Compensation) Regulations 1974, reg. 7(1)(*f*)(i)
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"*Computation falls to be made*"—Employment Protection Act 1975, Sch. 17, para. 17
Larkin v. Cambos Enterprises (Stretford) Ltd., E.A.T. [1978] I.C.R. 1247

"*Concerted course of conduct . . . by a group of workers*"—Industrial Relations Act 1971, s. 33(4)
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"*Condition*"—Sex Discrimination Act 1975, s. 1(1)
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"*Conduct*"—Health and Safety at Work etc. Act 1974, s. 3(1)
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"*Conduct his undertaking*"—Health and Safety at Work etc. 1974, s. 3(1)
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"*Consequence of*"—Iron and Steel (Compensation to Employees) Regulations 1968, reg. 5(1)(*a*)
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"*Considerably smaller*"—Sex Discrimination Act 1975, s. 1(1)(*b*)(i)
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"*Contemplating*" –Council Directive (75/129/E.E.C.), art. 2(1)
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"*Continuously employed*"—Employment Protection (Consolidation) Act 1978, s. 64(1)(*a*) (as amended) **Hyland v. J. H. Barker (North West) Ltd.,** E.A.T. [1985] I.C.R. 861
"*Continuously employed*"—Employment Protection (Consolidation) Act 1978, s. 81(1)
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"*Contract of employment*"—Employment Protection (Consolidation) Act 1978, s. 131(2)(*d*)
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"*Contract of employment*"—Employment Protection (Consolidation) Act 1978, s. 153(1)
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"*Contract personally to execute any work*" Fair Employment (Northern Ireland) Act 1976, s. 57(1)(*b*) **Kelly v. Northern Ireland Housing Executive,** H.L.(N.I.) [1998] I.C.R. 828
"*Contract personally to execute any work*"—Race Relations Act 1976, s. 78(1)
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"*Contract worker*"—Disability Discrimination Act 1995, s. 12
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"*Contractor*"—Construction (Working Places) Regulations 1966, reg. 3(1)
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"*Course of employment*"—Sex Discrimination Act 1975, s. 41(1)
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"*Court below*"—R.S.C., Ord. 59, r. 15(1) **Tether v. Financial Times Ltd.,** E.A.T. [1980] I.C.R. 447
"*Credit-token*"—Consumer Credit Act 1974, s. 14(1)
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"*Decided*"—Sex Discrimination Act 1975, s. 76(6)(*c*)
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"*Decision*" Industrial Tribunals (Rules of Procedure) Regulations 1985, reg. 2, Sch., r. 12(2)(*d*)
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"*Deduction*"—Wages Act 1986, s. 1(1)
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"*Deduction*"—Wages Act 1986, ss. 1(1), 8(3)
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"*Depreciation*"—Counter-Inflation (Price and Pay Code) (No. 2) Order 1973, Sch., para. 28(ii)(*d*)
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"*Detriment*" Sex Discrimination Act 1975, s. 6(2)(*b*)
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"*Detriment*"—Race Relations Act 1976, s. 4(2)(*c*)
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"*Detriment*"—Race Relations Act 1976, ss. 4(2)(*c*), 7(2)(*d*)
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"*Differences . . . of practical importance*"—Equal Pay Act 1970, s. 1(4) (as amended)
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"*Disability*"—Disability Discrimination Act 1995, s. 1(1)
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"*Dismissal*"—Redundancy Payments Act 1965, s. 1(2)
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"*Dismissal*"—Redundancy Payments Act 1965, s. 2(3)
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"*Dismissal*"—Redundancy Payments Act 1965, s. 2(4)
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"*Dismissal*"—Employment Protection Act 1975, s. 76(6)
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"*Dismissal*"—Council Directive (76/207/E.C.J.), art. 5(1)
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"*Dismissed*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(1)
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"*Dismissed*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)
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"*Dismissed*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 7(1) (as amended)
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"*Dismissed*"—Employment Protection (Consolidation) Act 1978, s. 55(2)
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"*Dismissed*"—Employment Rights Act 1996, s. 135(1)(*a*)
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"*Dismissed*"—Wages Act 1986, s. 1(1) **Reid v. Camphill Engravers,** E.A.T. [1990] I.C.R. 435

"*Dismissed by reason of redundancy*"—Redundancy Payments Act 1965, s. 1(2)
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"*Economic*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(2)
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"*Economic . . . reason entailing changes in the workforce*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(2) **Warner v. Adnet Ltd.,** C.A. [1998] I.C.R. 1056

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"*Effective date of termination*"—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
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"*Effective provision*"—Factories Act 1961, s. 5(1)
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"*Employed*"—Race Relations Act 1976, s. 7(1)
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"*Employed in assisting*" Justices of the Peace Act 1949 (Compensation) Regulations 1978, reg. 3(1)(*b*) (as amended) **Berkshire and Oxfordshire Magistrates' Courts Committee v. Gannon,** Carnwath J. [2000] I.C.R. 1003
"*Employed in . . . part transferred*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(1)
Buchanan-Smith v. Schleicher & Co. International Ltd., E.A.T. [1996] I.C.R. 613
"*Employed in the employment*"—Equal Pay Act 1970, s. 2(4) (as amended)
HQ Service Children's Education (MOD) v. Davitt, E.A.T. [1999] I.C.R. 978
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"*Employed on like work*"—Equal Pay Act 1970, s. 1(2)(*a*) (as amended)
Sorbie v. Trust Houses Forte Hotels Ltd., E.A.T. [1977] I.C.R. 55
"*Employee*"—Redundancy Payments Act 1965, s. 25(1)
Challinor v. Taylor, N.I.R.C. [1972] I.C.R. 129
"*Employee*"—Trade Union and Labour Relations Act 1974, s. 30(1)
Airfix Footwear Ltd. v. Cope, E.A.T. [1978] I.C.R. 1210
Parsons v. Albert J. Parson & Sons Ltd., E.A.T. [1978] I.C.R. 456
C.A. [1979] I.C.R. 271
Winfield v. London Philharmonic Orchestra Ltd., E.A.T. [1979] I.C.R. 726
Wiltshire Police Authority v. Wynn, E.A.T. [1980] I.C.R. 401
C.A. [1980] I.C.R. 649
"*Employee*"—Race Relations Act 1976, s. 4(2) **Post Office v. Adekeye,** E.A.T. [1995] I.C.R. 540
C.A. [1997] I.C.R. 110
"*Employee*"—Employment Protection (Consolidation) Act 1978, ss. 122, 153(1)
McMeechan v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 444
C.A. [1997] I.C.R. 549
"*Employee*"—Employment Protection (Consolidation) Act 1978, s. 153(1)
O'Kelly v. Trusthouse Forte Plc., C.A. [1983] I.C.R. 728
Diocese of Southwark v. Coker, C.A. [1998] I.C.R. 140
"*Employee*"—Employment Rights Act 1996, s. 230(1)
Secretary of State for Trade and Industry v. Bottrill, E.A.T. [1998] I.C.R. 564
C.A. [1999] I.C.R. 592
Smith v. Secretary of State for Trade and Industry, E.A.T. [2000] I.C.R. 69
Johnson v. Ryan, E.A.T. [2000] I.C.R. 236
"*Employee*"—Employment Ordinance, s. 4 (Hong Kong)
Cheng Yuen v. Royal Hong Kong Golf Club, P.C. [1998] I.C.R. 131
"*Employee*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1)
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"*Employee's conduct*"—Redundancy Payments Act 1965, s. 2(2)
Simmons v. Hoover Ltd., E.A.T. [1977] I C.R. 61
"*Employer*"—Industrial Training Levy (Road Transport) Order 1974, art. 2(1)(*g*)
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"*Employer . . . insolvent*"—Employment Protection (Consolidation) Act 1978, s. 122(1)(*a*)
Secretary of State for Trade and Industry v. Forde, E.A.T. [1997] I.C.R. 231
"*Employer's conduct*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5
Turner v. London Transport Executive, C.A. [1977] I.C.R. 952
"*Employment*"—Sex Discrimination Act 1975, s. 82(1)
Ealing Hammersmith and Hounslow Family Health Services Authority v. Shukla, E.A.T. [1993] I.C.R. 710
"*Employment relationship*" -Council Directive (77/187/E.E.C.), art 3(1)
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"*Enforced*"—Mines and Quarries Act 1954, s. 37(6)(*b*)
Storey v. National Coal Board, Mustill J. [1983] I.C.R. 156
"*Equal value*"—Equal Pay Act 1970, s. 1(5)
Springboard Sunderland Trust v. Robson, E.A.T. [1992] I.C.R. 554

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"*Equipment*"—Employer's Liability (Defective Equipment) Act 1969, s. 1(1)(*a*)(3)
Coltman v. Bibby Tankers, C.A. [1987] I.C.R. 619
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Knowles v. Liverpool City Council, C.A. [1993] I.C.R. 21
H.L.(E.) [1994] I.C.R. 243
"*Equivalent claim under . . . national law*"—Protocol No. 2 annexed to Treaty on European Union
Howard v. Ministry of Defence, E.A.T. [1995] I.C.R. 1074
"*Equivalent standard*"—Social Security Act 1975, s. 60(1)(*b*)
Reg. v. National Insurance Comrs., *Ex parte* **Steel,** D.C. [1978] I.C.R. 974
"*Establishment in Great Britain*"—Race Relations Act 1976, ss. 4(1), 8(1)
Deria v. General Council of British Shipping, E.A.T. [1985] I.C.R. 847
C.A. [1986] I.C.R. 172
"*Establishments*"—Council Directive (75/129/E.E.C.), art. 1(1)(a)
Rockfon A/S v. Specialarbejderforbundet i Danmark (Case C-449/93), E.C.J. [1996] I.C.R. 673
"*Ethnic . . . origins*"—Race Relations Act 1976, s. 1(1)(*b*)
Mandla (Sewa Singh) v. Dowell Lee, H.L.(E.) [1983] I.C.R. 385
"*Ethnic . . . origins*"—Race Relations Act 1976, ss. 1(1)(*b*), 3(1)
Crown Suppliers (Property Services Agency) v. Dawkins, E.A.T. [1991] I.C.R. 583
C.A. [1993] I.C.R. 517
"*Event affecting an employer*"—Redundancy Payments Act 1965, s. 22(1)(*b*)
British Airports Authority v. Fenerty, Phillips J. [1976] I.C.R. 361
"*Every length of road*"—Mines and Quarries Act 1954, s. 34(1)(*b*)
Jennings v. National Coal Board, C.A. [1983] I.C.R. 636
"*Exposed to risks to their health*"—Health and Safety at Work etc. Act 1974, s. 3(1)
Reg. v. Board of Trustees of the Science Museum, C.A. [1993] I.C.R. 876
"*Extending over a period*"—Sex Discrimination Act 1975, s. 76(6)(*b*)
Cast v. Croydon College, C.A. [1998] I.C.R. 500
"*Factory*"—Factories Act 1961, s. 175(1)
Bromwich v. National Ear, Nose and Throat Hospital, Cantley J. [1980] I.C.R. 450
"*Fair and reasonable*"—Truck Act 1896, s. 1(1)
Sealand Petroleum Co. Ltd. v. Barratt, D.C. [1986] I.C.R. 423
"*Fine*"—Truck Act 1896, s. 1(1) **Bristow v. City Petroleum Ltd.,** D.C. [1986] I.C.R. 59
"*Fixed*"—Contracts of Employment Act 1972, Sch. 2, para. 1(1)
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"*Fixed deductions*"—Employment Protection (Consolidation) Act 1978, s. 8(*b*)
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"*Fixed term*"—Redundancy Payments Act 1965, s. 15(2); Industrial Relations Act 1971, s. 30(*a*)
British Broadcasting Corpn. v. Ioannou, N.I.R.C. [1974] I.C.R 414
C.A. [1975] I.C.R. 267
"*Fixed term*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 5(2)(*b*)
Gwent County Council v. Lane, E.A.T. [1978] I.C.R. 357
Throsby v. Imperial College of Science and Technology, E.A.T. [1978] I.C.R. 357
Dixon v. British Broadcasting Corpn., E.A.T. [1978] I.C.R. 357
C.A. [1979] I.C.R. 281
"*Fixed term*"—Employment Protection (Consolidation) Act 1978, s. 83(2)(*b*)
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"*Fixed term of two years or more*"—Redundancy Payments Act 1965, s. 15(2)
Open University v. Triesman, E.A.T. [1978] I.C.R. 524
Wiltshire County Council v. National Association of Teachers in Further and Higher Education, C.A. [1980] I.C.R. 455
"*For a reason*"—Disability Discrimination Act 1995, s. 5(2)(*a*)
O'Neill v. Symm & Co. Ltd., E.A.T. [1998] I.C.R. 481
"*For or in respect of any fine*"—Truck Act 1896, s. 1(1)
Bristow v. City Petroleum Ltd., D.C. [1986] I.C.R. 59
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Sealand Petroleum Co. Ltd. v. Barratt, D.C. [1986] I.C.R. 423
"*For the time being*"—Industrial Relations Act 1971, s. 51(2)
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"*For the time being*"—Employers' Health and Safety Policy Statements (Exception) Regulations 1975, reg. 2 **Osborne v. Bill Taylor of Huyton Ltd.,** D.C. [1982] I.C.R. 168
"*Founded on*"—County Courts Act 1984, s. 15(1) (as amended)
Hutchings v. Islington London Borough Council, C.A. [1998] I.C.R. 1240
"*Furtherance of a trade dispute*"—Trade Union and Labour Relations Act 1974, s. 13(1) (as amended) **Express Newspapers Ltd v. McShane,** C.A. [1979] I.C.R. 210
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"*Generally accepted accounting principles*"—Counter-Inflation (Price and Pay Code) (No. 2) Order 1973, Sch., para. 58 **General Electric Co. Ltd.v. Price Commission,** C.A. [1975] I.C.R. 1

"*Genuine occupational qualification*"—Race Relations Act 1976, s. 5(2)(*d*)
Lambeth London Borough Council v. Commission for Racial Equality, C.A. [1990] I.C.R. 768
Tottenham Green Under Five's Centre v. Marshall, E.A.T. [1989] I.C.R. 214
Tottenham Green Under Five's Centre v. Marshall (No. 2), E.A.T. [1991] I.C.R. 320

"*Genuine occupational qualification*"—Sex Discrimination Act 1975, s. 7(2)
Timex Corpn. v. Hodgson, E.A.T. [1982] I.C.R. 63
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McMeechan v. Secretary of State for Employment, C.A. [1997] I.C.R. 549

"*Goods, facilities or services*"—Race Relations Act 1976, s. 20(1)
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"*Gross amount thereof*"—Family Income Supplements (General) Regulations 1980, reg. 2(3)
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"*Guests*"—Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order 1969, Sch., para. 27 **Hodges v. Probert,** May J. [1976] I.C.R. 95

"*His employer*"—Employment Protection (Consolidation) Act 1978, s. 84(1)
Lucas v. Henry Johnson (Packers & Shippers) Ltd., E.A.T. [1986] I.C.R. 384

"*Home for headteacher*"—Contract of employment
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"*Immediately before*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(3) **Apex Leisure Hire v. Barratt,** E.A.T. [1984] I.C.R. 452
Bullard v. Marchant, E.A.T. [1986] I.C.R. 389
Secretary of State for Employment v. Spence, E.A.T. [1986] I.C.R. 181
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Wheeler v. Patel, E.A.T. [1987] I.C.R. 631
Litster v. Forth Dry Dock & Engineering Co. Ltd., H.L.(Sc.) [1989] I.C.R. 341
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"*In contemplation or furtherance of an industrial dispute*"—Industrial Relations Act 1971, s. 96(1)
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"*In . . . furtherance of*"—Trade Union and Labour Relations Act 1974, s. 13(1) (as amended)
Associated Newspapers Group Ltd. v. Wade, C.A. [1979] I.C.R. 664

"*In order to circumvent the requirements of the standstill*"—Counter-Inflation (Price and Pay Code) Order 1973, para. 113
Co-operative Employers Association v. Pay Board, Griffiths J. [1974] I.C.R. 159

"*In private*"—Employment Protection (Consolidation) Act 1978, Sch. 9, para. 1(4A)
Fry v. Foreign and Commonwealth Office, E.A.T. [1997] I.C.R. 512

"*In public*"—Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, r. 8(2) **Storer v. British Gas Plc.,** C.A. [2000] I.C.R. 603

"*In pursuance of any enactment*"—Employment Protection Act 1975, Sch. 11, para. 3
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"*In pursuance of any instrument*"—Race Relations Act 1976, s. 41(1)
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"*In relevant local government service*"—Redundancy Payments (Local Government) (Modification) Order 1983, Sch. 2 appendix, para. 5 (as amended)
Liversidge v. London Residuary Body, E.A.T. [1989] I.C.R. 228
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"*In respect of*"—Restrictive Trade Practices Act 1976, s. 6(1)
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"*In the activities of an independent trade union*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(4)(*b*) **Chant v. Aquaboats Ltd.,** E.A.T. [1978] I.C.R. 643

"*In the course of . . . employment*"—Race Relations Act 1976, s. 32(1)
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"*In the course of . . . employment*"—Social Security Contributions and Benefits Act 1992, s. 94(1)
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"*In the course of his employment*"—Health and Safety at Work etc. Act 1974, s. 52(1)(*b*)
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"*In the course of his employment*"—Sex Discrimination Act 1975, s. 41(1)
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"*In the execution of his duty*"—Police Pensions Regulations 1987, reg. A11
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"*In the nature of a commercial venture*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1) **U.K. Waste Control Ltd. v. Wren,** E.A.T. [1995] I.C.R. 974

"*Inadmissible reason*"—Employment Protection (Consolidation) Act 1978, s. 58(5)
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"*Incidental to . . . proceedings in . . . court*"—Supreme Court of Judicature (Consolidation) Act 1925, s. 50(1) **Department of Health and Social Security v. Envoy Farmers Ltd.,** Jupp J. [1976] I.C.R. 573

"*Includes*"—Employment Rights Act 1996, s. 80(1)
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"*Incurred*"—Employment Appeal Tribunal Rules 1976, r. 21(1)
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"*Independent and impartial*"—Convention for the Protection of Human Rights and Fundamental Freedoms (1953), art. 6(1) **Smith v. Secretary of State for Trade and Industry,** E.A.T. [2000] I.C.R. 69

"*Indispensable*"—E.E.C. Treaty (Cmnd. 5179-II), art. 85(3)
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"*Inducement*"—Race Relations Act 1976, s. 31(2)
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"*Industrial dispute*"—Industrial Relations Act 1971, s. 167(1)
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Stewart v. AUEW, N.I.R.C. [1973] I.C.R. 128
Cory Lighterage Ltd. v. TGWU, Brightman J. [1973] I.C.R. 197
C.A. [1973] I.C.R. 339
Sherard v. AUEW, Phillips J. and C.A. [1973] I.C.R. 421
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"*Insolvent*"—Employment Protection (Consolidation) Act 1978, ss. 122(1), 127(1)
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"*Intention*"—Race Relations Act 1976, s. 57(3)
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"*Intimidates*"—Conspiracy and Protection of Property Act 1875, s. 7
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"*Irregular industrial action short of a strike*"—Industrial Relations Act 1971, ss. 33(4), 138(1)(*a*)
Secretary of State for Employment v. ASLEF, N.I.R.C. [1972] I.C.R. 7
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"*Job*"—Employment Protection (Consolidation) Act 1978, s. 153(1)
Williams v. National Theatre Board Ltd., C.A. [1982] I.C.R. 715

"*Just and equitable*"—Industrial Relations Act 1971, s. 101(2)
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"*Just and equitable*"—Industrial Relations Act 1971, s. 109(1)(*b*)
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"*Just and equitable*"—Employment Protection (Consolidation) Act 1978, s. 74(1)
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"*Just cause*"—Social Security Act 1975, s. 20(1)(*a*) **Crewe v. Anderson,** C.A. [1982] I.C.R. 706

"*Justifiable*"—Race Relations Act 1976, s. 1(1)(*b*)(ii)
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"*Knowingly*"—Industrial Relations Act 1971, s. 96(1)
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"*Knowingly aids*"—Race Relations Act 1976, s. 33(1) **Hallam v. Avery,** C.A. [2000] I.C.R. 583

"*Less favourably*"—Race Relations Act 1976, s. 1(1)(*a*)
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"*Less than four employees who had been continuously employed*"—Industrial Relations Act 1971, s. 27(1)(*a*) **Haque v. Stichen & Co. (1937) Ltd.,** N.I.R.C. [1973] I.C.R. 474

"*Liable to interference*"—Trade Union and Labour Relations Act 1974, s. 30(1)(*b*)
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"*Liable to interference*"—Trade Union and Labour Relations Act 1992, s. 5(*b*)
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"*Like work*"—Equal Pay Act 1970, s. 1(2)(*a*) (as amended)
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Macarthys Ltd. v. Smith, E.A.T. [1978] I.C.R. 500
C.A. [1979] I.C.R. 785
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"*Like work*" Equal Pay Act 1970, s. 1(2)(4) (as amended)
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"*Like work*" Equal Pay Act 1970, s. 1(4) (as amended)
Capper Pass Ltd. v. Lawton, E.A.T. [1977] I.C.R. 83
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Redland Roof Tiles Ltd. v. Harper, E.A.T. [1977] I.C.R. 349
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National Coal Board v. Sherwin, E.A.T. [1978] I.C.R. 700
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Capper Pass Ltd. v. Allan, E.A.T. [1980] I.C.R. 194
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"*Likely*"—Employment Protection Act 1975, s. 78(5)
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"*Loss*"—Industrial Relations Act 1971, s. 116(1)
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"*Loss leaders*"—Resale Prices Act 1964, s. 3(1)
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"*Machinery*" Factories Act 1961, s. 14(1)
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"*Manager*"—Fire Precautions Act 1971, s. 23(1) **Reg. v. Boal,** C.A. [1992] I.C.R. 495

"*Material change in the relevant circumstances*"—Resale Prices Act 1976, s. 17(2)
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"*Members of a mission*"—State Immunity Act 1978, s. 16(1)(*a*)
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"*Members of the trade union*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 100B (as substituted)
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"*Most effectively . . . provided*" Race Relations Act 1976, s. 5(2)(*d*)
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"*Necessary*"—Industrial Relations Act 1971, s. 46(1)(*c*)
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H.L.(E.) [1974] I.C.R. 658

"*Negotiating rights*"—Industrial Relations Act 1971, s. 46(1)(*b*)
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"*Net profit*"—Counter-Inflation (Price and Pay Code) (No. 2) Order 1973, Sch., para. 57
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"*Non-domestic premises*"—Health and Safety at Work etc. Act 1974, s. 4(1)(*b*)
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C.A. [1985] I.C.R. 353

"*Normal gross income*" Family Income Supplements Act 1970, s. 4(1); Family Income Supplements (General) Regulations 1980, reg. 2
Lowe v. Chief Adjudication Officer, C.A. [1985] I.C.R. 813

"*Normal retiring age*"—Industrial Relations Act 1971, s. 28(*b*)
Ord v. Maidstone and District Hospital Management Committee, N.I.R.C. [1974] I.C.R. 369

"*Normal retiring age*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 10(*b*)
Smith v. Post Office, E.A.T. [1978] I.C.R. 283
Nothman v. Barnet London Borough Council, E.A.T. and C.A. [1978] I.C.R. 336
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"*Normal retiring age*"—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*)
Duke v. Reliance Systems Ltd., E.A.T. [1982] I.C.R. 449
Department of Health and Social Security v. Coy, E.A.T. [1984] I.C.R. 309
Hughes v. Department of Health and Social Security; Department of Health and Social Security v. Coy; Jarnall v. Department of the Environment, C.A. [1984] I.C.R. 557
Hughes v. Department of Health and Social Security, H.L.(E.) [1985] I.C.R. 419
Swaine v. Health and Safety Executive, E.A.T. [1986] I.C.R. 498
Mauldon v. British Telecommunications Plc., E.A.T. [1987] I.C.R. 1450
Brooks v. British Telecommunications Plc., E.A.T. [1991] I.C.R. 286
C.A. [1992] I.C.R. 414

"*Normal retiring age*"—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*) (as substituted) **Barber v. Thames Television Plc.,** E.A.T. [1991] I.C.R. 253
C.A. [1992] I.C.R. 661
Barclays Bank Plc. v. O'Brien, E.A.T. [1993] I.C.R. 347
C.A. [1994] I.C.R. 865
Patel v. Nagesan, C.A. [1995] I.C.R. 988

"*Normal working hours*"—Contracts of Employment Act 1963, Sch. 2, para. 1(1)
Redpath Dorman Long (Contracting) Ltd. v. Sutton, N.I.R.C. [1972] I.C.R. 477
Tarmac Roadstone Holdings Ltd. v. Peacock, C.A. [1973] I.C.R. 273
Gascol Conversions Ltd. v. Mercer, C.A. [1974] I.C.R. 420
Robert Whiting Designs Ltd. v. Lamb, E.A.T. [1978] I.C.R. 89
Fox v. Wright (Farmers) Ltd., E.A.T. [1978] I.C.R. 98

"*Normal working hours*"—Contracts of Employment Act 1972, Sch. 2, para. 2
Friend v. P.M.A. Holdings Ltd., E.A.T. [1976] I.C.R. 330

"*Normal working hours*"—Employment Protection Act 1975, Sch. 4, paras. 1, 2
Barrett v. National Coal Board, E.A.T. [1978] I.C.R. 1101

"*Not practicable*"—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r.2(1)(*a*)
Ogidi-Olu v. Guys Hospital Board of Governors, N.I.R.C. [1973] I.C.R. 645
Ruff v. Smith, Phillips, J. [1976] I.C.R. 118

"*Not reasonably practicable*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Birmingham Optical Group Plc. v. Johnson, E.A.T. [1995] I.C.R. 459

"*Obligations*"—Supply of Beer (Tied Estate) Order 1989, art. 1(6)(*d*)
Plummer v. Tibsco Ltd., Neuberger J. [2000] I.C.R. 509

"*Offer of suitable employment*"—Redundancy Payments Act 1965, s. 2(4)(*a*)
Morganite Crucible Ltd. v. Street, N.I.R.C. [1972] I.C.R. 110
E. & J. Davis Transport Ltd. v. Chattaway, N.I.R.C. [1972] I.C.R. 267
Harris v. E. Turner & Sons (Joinery) Ltd., N.I.R.C. [1973] I.C.R. 31
Jones v. Aston Cabinet Co. Ltd., N.I.R.C. [1973] I.C.R. 292
Kane v. Raine & Co. Ltd., N.I.R.C. [1974] I.C.R. 300
Kaye v. Cooke's (Finsbury) Ltd., N.I.R.C. [1974] I.C.R. 65

"*Offered re-engagement*" Employment Protection (Consolidation) Act 1978, s. 62(2)(*b*) (as substituted) **Bigham v. G.K.N. Kwikform Ltd.,** E.A.T. [1992] I.C.R. 113

"*Office*"—Income and Corporation Taxes Act 1970, s. 181
McMenamin v. Diggles, Scott J. [1991] I.C.R. 641

"*On racial grounds*"—Race Relations Act 1976, s. 1(1) **Zarczynska v. Levy,** E.A.T. [1979] I.C.R. 184

"*Openings*"—Factories Act 1961, s. 28(4)
Sunders v. F. H. Lloyd & Co. Ltd., Drake J. [1982] I.C.R. 360
Allen v. Avon Rubber Co. Ltd., C.A. [1986] I.C.R. 695

"*Ordinarily works*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 9(2)
Portec (U.K.) Ltd. v. Mogensen, E.A.T. [1976] I.C.R. 396
Wilson v. Maynard Shipbuilding Consultants A.B., E.A.T. [1977] I.C.R. 112
C.A. [1978] I.C.R. 376
Claisse v. Keydril Ltd., E.A.T. [1978] I.C.R. 812
Todd v. British Midland Airways Ltd., C.A. [1978] I.C.R. 959
Janata Bank v. Ahmed (Qutubuddin), C.A. [1981] I.C.R. 791

"*Ordinarily works*"—Employment Protection (Consolidation) Act 1978, s. 141(2)
Sonali Bank v. Rahman, E.A.T. [1989] I.C.R. 314

"*Ordinarily works outside Great Britain*"—Employment Rights Act 1996, s. 196(2)
Carver v. Saudi Arabian Airlines, C.A. [1999] I.C.R. 991

"*Ordinary duties of . . . member of the force*"—Police Pensions Regulations 1987, reg. A12(2)
Reg. v. Sussex Police Authority, *Ex parte* **Stewart,** C.A. [2000] I.C.R. 1122

"*Organisation of employers*"—Sex Discrimination Act 1975, s. 12(1)
National Federation of Self-Employed and Small Businesses Ltd. v. Philpott, E.A.T. [1997] I.C.R. 518

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"*Organisation of workers*"—Industrial Relations Act 1971, s. 61(1)
Midland Cold Storage Ltd. v. Turner, N.I.R.C. [1972] I.C.R. 230
Carter v. Law Society, N.I.R.C. [1973] I.C.R. 113
"*Organisation of workers*"—Employment Agencies Act 1973, s. 13(1)(7)
McCabe v. Edwards, D.C. [1981] I.C.R. 468
"*Originating application*"—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 1(1) **Smith v. Automobile Proprietary Ltd.,** N.I.R.C. [1973] I.C.R. 306
"*Other industrial action*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 7(1)(*b*) (as amended) **Rasool v. Hepworth Pipe Co. Ltd.,** E.A.T. [1980] I.C.R. 494
"*Other industrial action*"—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*)
Power Packing Casemakers Ltd. v. Faust, E.A.T. [1981] I.C.R. 484
C.A. [1983] I.C.R. 292
Midland Plastics v. Till, E.A.T. [1983] I.C.R. 118
"*Other industrial action*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 65(2)(*a*)
Knowles v. Fire Brigades Union, C.A. [1997] I.C.R. 595
"*Other proceedings*"—Insolvency Act 1986, s. 11(3)(*a*)
Carr v. British International Helicopters Ltd., E.A.T. [1994] I.C.R. 18
"*Otherwise than by the employer*"—Employment Protection Act 1975, Sch. 11, para. 3
Reg. v. Central Arbitration Committee, *Ex parte* **Gloucestershire County Council,** D.C. [1981] I.C.R. 95
"*Part of a business*"—Council Directive (77/187/E.E.C.), art. 1(1)
Schmidt v. Spar-und Leihkasse der Früheren Ämter Bordesholm, Kiel und Cronshagen (Case C-392/92), E.C.J. [1995] I.C.R. 237
"*Party*"—Industrial Tribunals (England and Wales) Regulations 1965, reg. 5(1) (as substituted)
Comber v. Harmony Inns Ltd., E.A.T. [1993] I.C.R. 15
"*Pay*"—E.E.C. Treaty, art. 119 **Worringham v. Lloyds Bank Ltd. (Case 69/80),** E.C.J. [1981] I.C.R. 558
Reg. v. Secretary of State for Employment, *Ex parte* **Equal Opportunities Commission,** C.A. [1986] I.C.R. 251
Griffin v. London Pensions Fund Authority, E.A.T. [1986] I.C.R. 564
Bilka-Kanfhaus G.m.b.H. v. Weber von Hartz, E.C.J. [1987] I.C.R. 110
Secretary of State for Employment v. Levy, E.A.T. [1990] I.C.R. 18
Kowalska v. Freie und Hansestadt Hamburg (Case C-33/89), E.C.J. [1992] I.C.R. 29
Reg. v. Secretary of State for Employment, *Ex parte* **Equal Opportunities Commission,** D.C. [1992] I.C.R. 341
H.L.(E.) [1994] I.C.R. 317
Mediguard Services Ltd. v. Thame, E.A.T. [1994] I.C.R. 751
Clark v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 673
Reg. v. Secretary of State for Employment, *Ex parte* **Seymour-Smith,** D.C. and C.A. [1995] I.C.R. 889
H.L.(E.) [1997] I.C.R. 371
Reg. v. Secretary of State for Employment, *Ex parte* **Seymour-Smith (Case C-167/97),** E.C.J. [1999] I.C.R. 447
Lewen v. Denda (Case C-333/97), E.C.J. [2000] I.C.R. 648
"*Pay . . . in respect of . . . employment*"—E.E.C. Treaty, art. 119
Hammersmith and Queen Charlotte's Special Health Authority v. Cato, E.A.T. [1988] I.C.R. 132
"*Period of continuous employment*"—Employment Rights Act 1996, s. 211(1)
Bradford Metropolitan District Council v. Dawson, E.A.T. [1999] I.C.R. 312
"*Period of employment of not less than 13 weeks*"—Redundancy Payments Act 1965, s. 6(4)
Neepsend Steel & Tool Corpn. Ltd. v. Vaughan, N.I.R.C. [1972] I.C.R. 278
"*Period of entitlement*"—Social Security Contributions and Benefits Act 1992, s. 153
Brown v. Chief Adjudication Officer, C.A. [1997] I.C.R. 266
"*Person*"—Interpretation Act 1978, Sch. 1 **M. v. Vincent,** E.A.T. [1998] I.C.R. 73
"*Person affected by*"—Industrial Tribunals Act 1996, s. 11(6)
Reg. v. London (North) Industrial Tribunal, *Ex parte* **Associated Newspapers Ltd.,** Keene J. [1998] I.C.R. 1212
"*Person affected by . . . allegation*"—Employment Tribunals Act 1996, s. 11(6)
Leicester University v. A, E.A.T. [1999] I.C.R. 701
"*Person against whom the action was taken*"—Industrial Relations Act 1971, ss. 101(1)(*c*), s. 105(1)
Langston v. AUEW, N.I.R.C. [1973] I.C.R. 211
C.A. [1974] I.C.R. 180
"*Person employed*"—Race Relations Act 1976, s. 4(2) **Nagarajan v. Agnew,** E.A.T. [1995] I.C.R. 520
Post Office v. Adekeye, E.A.T. [1995] I.C.R. 540
"*Person who has had a disability*"—Disability Discrimination Act 1995, s. 2(1)
Greenwood v. British Airways Plc., E.A.T. [1999] I.C.R. 969

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"*Personally to do any work*"—Disability Discrimination Act 1995, s. 68(1)
Sheehan v. Post Office Counters Ltd., E.A.T. [1999] I.C.R. 734
"*Personally to execute any work or labour*"—Sex Discrimination Act 1975, s. 82(1)
Mirror Group of Newspapers Ltd. v. Gunning, E.A.T. [1984] I.C.R. 706
C.A. [1986] I.C.R. 145
"*Personally to execute any work or labour*"—Race Relations Act 1976, s. 78(1)
Tanna v. Post Office, E.A.T. [1981] I.C.R. 374
"*Persons employed*"—Contracts of Employment Act 1963, Sch. 1, para. 11
Bloomfield v. Springfield Hosiery Finishing Co. Ltd., N.I.R.C. [1972] I.C.R. 91
"*Place in which he would be employed*"—Redundancy Payments Act 1965, s. 2(3)(*a*)
United Kingdom Atomic Energy Authority v. Claydon, N.I.R.C. [1974] I.C.R. 128
"*Place . . . where the employee habitually carries out his work*"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art. 5(1) (as amended)
Rutten v. Cross Medical Ltd. (Case C-383/95), E.C.J. [1997] I.C.R. 715
"*Place where the employee was so employed*"—Employment Protection (Consolidation) Act 1978, s. 81(2)(*a*) **High Table Ltd. v. Horst,** C.A. [1998] I.C.R. 409
"*Political objects*"—Trade Union Act 1913, s. 3
Parkin v. Association of Scientific, Technical and Managerial Staffs, Woolf J. [1980] I.C.R. 662
"*Position*"—Employment Protection (Consolidation) Act 1978, s. 64(1)(*b*) (as amended)
Barber v. Thames Television Plc., C.A. [1992] I.C.R. 661
"*Practicable*"—Industrial Relations Act 1971, s. 106(4)
Curtis v. James Paterson (Darlington) Ltd., N.I.R.C. [1973] I.C.R. 496
"*Practicable*"—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)
Hammond v. Haigh Castle & Co. Ltd., N.I.R.C. [1973] I.C.R. 148
Westward Circuits Ltd. v. Read, N.I.R.C. [1973] I.C.R. 301
Singh v. Post Office, N.I.R.C. [1973] I.C.R. 437
Owen v. Crown House Engineering Ltd., N.I.R.C. [1973] I.C.R. 511
W. Press & Son Ltd. v. Hall, N.I.R.C. [1974] I.C.R. 21
Dedman v. British Building & Engineering Applicances Ltd., C.A. [1974] I.C.R. 53
Harvey's Household Linens Ltd. v. Benson, N.I.R.C. [1974] I.C.R. 306
"*Practicable*"—Industrial Tribunals (Industrial Relations etc.) (Scotland) Regulations 1972, Sch., r. 2(1)(*a*) **Dewar & Findlay Ltd. v. Glazier,** N.I.R.C. [1973] I.C.R. 572
"*Practicable*"—Employment Protection Act 1975, s. 71(6)(*b*)
Meridian Ltd. v. Gomersall, E.A.T. [1977] I.C.R. 597
"*Practicable*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Churchill v. A. Yeates & Sons Ltd., E.A.T. [1983] I.C.R. 380
"*Practicable*"—Employment Protection (Consolidation) Act 1978, s. 69(6)(*b*)
Rao v. Civil Aviation Authority, E.A.T. [1992] I.C.R. 503
Port of London Authority v. Payne, E.A.T. [1993] I.C.R. 30
"*Precludes or restricts*"—Supply of Beer (Tied Estate) Order 1989, art. 1(6)(*d*)
Plummer v. Tibsco Ltd., Neuberger J. [2000] I.C.R. 509
"*Prepares*"—Construction (Design and Management) Regulations 1994, regs. 2, 13(2)(*a*)
Reg. v. Paul Wurth S.A., C.A. [2000] I.C.R. 860
"*Presented*"—Employment Protection (Consolidation) Act 1978, s. 67(1)(2)
Duffin v. Secretary of State for Employment, E.A.T. [1983] I.C.R. 766
"*Presented*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
House v. Emerson Electric Industrial Controls, E.A.T. [1980] I.C.R. 795
"*Presented*"—Industrial Tribunals (Industrial Relations, etc.) Regulations 1972, Sch., r. 2(1)
Hammond v. Haigh Castle & Co. Ltd., N.I.R.C. [1973] I.C.R. 148
Anglo Continental School of English (Bournemouth) Ltd. v. Gardiner,
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"*Presented to*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Post Office v. Moore, E.A.T. [1981] I.C.R. 623
"*Prevent or deter*" Industrial Relations Act 1971, s. 5(2)(*a*)
McWilliam v. Williams Collins, Sons & Co. Ltd., N.I.R.C. [1974] I.C.R. 226
"*Previously signified*"—Wages Act 1986, s. 1(1)(*b*)
Discount Tobacco & Confectionery Ltd. v. Williamson, E.A.T. [1993] I.C.R. 371
"*Principal*"—Disability Discrimination Act 1995, s. 12(6)
MHC Consulting Services Ltd. v. Tansell, E.A.T. [1999] I.C.R. 1211
C.A. [2000] I.C.R. 789
"*Principal reason*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 11(1)
Smith v. Hayle Town Council, C.A. [1978] I.C.R. 996
"*Prior written agreement*"—State Immunity Act 1978, s. 2(2)
Ahmed v. Government of the Kingdom of Saudi Arabia, C.A. [1996] I.C.R. 25
"*Proceedings in the nature of an appeal*"—Race Relations Act 1976, s. 54
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"*Process*"—Factories Act 1961, s. 175; Asbestos Regulations 1969, regs. 5(1), 8(2)
Reg. v. A.I. Industrial Products Plc., C.A. [1987] I.C.R. 418
"*Process*"—Asbestos Regulations 1969, regs. 3(2), 5(2), 9
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"*Promoting a satisfactory and lasting settlement*"—Industrial Relations Act 1971, s. 46(1)(*c*)
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"*Properly attributable*"—Transport Act 1968, s. 135(1)
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"*Properly payable*"—Wages Act 1986, s. 8(3)
Greg May (Carpet Fitters & Contractors) Ltd. v. Dring, E.A.T. [1990] I.C.R. 188
Janstorp International (U.K.) Ltd. v. Allen, E.A.T. [1990] I.C.R. 779
"*Proposing*"—Employment Protection Act 1975, s. 99
In re **Hartlebury Printers Ltd.,** Morritt J. [1992] I.C.R. 559
"*Proposing to dismiss as redundant*"—Employment Protection Act 1975, s. 99(1)
Hough v. Leyland DAF Ltd., E.A.T. [1991] I.C.R. 696
"*Proposing to dismiss as redundant*"—Trade Union and Labour Relations Act 1992, s. 188(1) (as substituted) **GMB v. Man Truck & Bus U.K. Ltd.,** E.A.T. [2000] I.C.R. 1101
"*Provided*"—Factories Act 1961, s. 29(1) **Smith v. British Aerospace,** C.A. [1982] I.C.R. 98
"*Provided*"—Employment Protection (Consolidation) Act 1978, s. 87(2)
Spinpress Ltd. v. Turner, E.A.T. [1986] I.C.R. 433
"*Provision in relation to . . . retirement*"—Sex Discrimination Act 1975, s. 6(4)
Garland v. British Rail Engineering Ltd., E.A.T. [1978] I.C.R. 495
Roberts v. Cleveland Area Health Authority, E.A.T. [1978] I.C.R. 370
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Duke v. Reliance Systems Ltd., H.L.(E.) [1988] I.C.R. 339
"*Purpose*"—Employment Protection (Consolidation) Act 1978, s. 23(1) (as amended)
Associated British Ports v. Palmer, E.A.T. [1993] I.C.R. 101
C.A. [1994] I.C.R. 97
"*Purpose of a business*"—Finance Act 1972, s. 3(1)(*a*)
Customs and Excise Comrs. v. British Railways Board, D.C. [1975] I.C.R. 448
"*Purposes of a private household*"—Race Relations Act 1976, s. 4(3)
Heron Corpn. Ltd. v. Commis, E.A.T. [1980] I.C.R. 713
"*Qualification*"—Fair Employment (Northern Ireland) Act 1976, ss. 23, 57(1)
Kelly v. Northern Ireland Housing Executive, H.L.(N.I.) [1998] I.C.R. 828
"*Racial grounds*"—Race Relations Act 1976, s. 1(1)(*a*)
Showboat Entertainment Centre Ltd. v. Owens, E.A.T. [1984] I.C.R. 65
"*Racial grounds*"—Race Relations Act 1976, s. 3(1)
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"*Racial group*"—Race Relations Act 1976, s. 1(1)(*b*)(i)
Tower Hamlets London Borough Council v. Qayyum, E.A.T. [1987] I.C.R. 729
"*Rated as equivalent*"—Equal Pay Act 1970, s. 1(5)
Springboard Sunderland Trust v. Robson, E.A.T. [1992] I.C.R. 554
"*Rating of the work*"—Equal Pay Act 1970, s. 1(2)(*b*) (as amended)
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C.A. [1980] I.C.R. 429
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"*Reason connected with her pregnancy*"—Employment Protection (Consolidation) Act 1978, s. 60(1)
Clayton v. Vigers, E.A.T. [1989] I.C.R. 713
"*Reasonable*"—Employment Protection (Consolidation) Act 1978, s. 28(3)
Wignall v. British Gas Corpn., E.A.T. [1984] I.C.R. 716
"*Reasonable*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Marley (U.K.) Ltd. v. Anderson, E.A.T. [1994] I.C.R. 295
"*Reasonable*"—Health and Safety at Work etc. Act 1974, s. 4(2)
Austin Rover Group Ltd. v. Her Majesty's Inspector of Factories, H.L.(E.) [1990] I.C.R. 133
"*Reasonable justification*"—Sex Discrimination Act 1975, s. 65(3)
Nelson v. Tyne & Wear Passenger Transport Executive, E.A.T. [1978] I.C.R. 1183
"*Reasonably practicable*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 21(4)
Norgett v. Luton Industrial Co-operative Society Ltd., E.A.T. [1976] I.C.R. 442
Burton v. Field Sons & Co. Ltd., E.A.T. [1977] I.C.R. 106
Union Cartage Co. Ltd. v. Blunden, E.A.T. [1977] I.C.R. 420
Avon County Council v. Haywood-Hicks, E.A.T. [1978] I.C.R. 646
Porter v. Bandridge Ltd., C.A. [1978] I.C.R. 943
Wall's Meat Co. Ltd. v. Khan, C.A. [1979] I.C.R. 52
Nu-Swift International Ltd. v. Mallinson, E.A.T. [1979] I.C.R. 157
Riley v. Tesco Stores Ltd., E.A.T. [1979] I.C.R. 223

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"*Reasonably practicable*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Beanstalk Shelving Ltd. v. Horn, E.A.T. [1980] I.C.R. 273
Bodha (Vishnudut) v. Hampshire Area Health Authority, E.A.T. [1982] I.C.R. 200
Palmer v. Southend-on-Sea Borough Council, C.A. [1984] I.C.R. 372
Croydon Health Authority v. Jaufurally, E.A.T. [1986] I.C.R. 4
James W. Cook & Co. (Wivenhoe) Ltd. v. Tipper, C.A. [1990] I.C.R. 716
Trevelyans (Birmingham) Ltd. v. Norton, E.A.T. [1991] I.C.R. 488
Birmingham Midshires Building Society v. Horton, E.A.T. [1991] I.C.R. 648
Biggs v. Somerset County Council, C.A. [1996] I.C.R. 364
Marley (U.K.) Ltd. v. Anderson, C.A. [1996] I.C.R. 728
"*Reasonably practicable*"—Employment Rights Act 1996, s. 111(2)(*b*)
Schultz v. Esso Petroleum Co. Ltd., C.A. [1999] I.C.R. 1202
London Underground Ltd. v. Noel, C.A. [2000] I.C.R. 109
Post Office v. Sanhotra, E.A.T. [2000] I.C.R. 866
"*Recognised*"—Employment Protection Act 1975, s. 99(1)
National Union of Tailors and Garment Workers v. Charles Ingram & Co. Ltd., E.A.T. [1977] I.C.R. 530
"*Recognised*"—Employment Protection Act 1975, ss. 99(1), 101(7)
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"*Redundancy*"—Employment Protection (Consolidation) Act 1978, s. 81(2)(*b*)
Pfaffinger v. City of Liverpool Community College, E.A.T. [1997] I.C.R. 142
"*Reference*"—Equal Pay Act 1970, s. 2(2)
Etherson v. Strathclyde Regional Council, E.A.T. [1992] I.C.R. 579
"*Referred*"—Redundancy Payments Act 1965, s. 21(*c*)
Nash v. Ryan Plant International Ltd., E.A.T. [1977] I.C.R. 560
"*Referred*"—Employment Protection (Consolidation) Act 1978, s. 101(1)(*c*)
Secretary of State for Employment v. Banks, E.A.T. [1983] I.C.R. 48
"*Refusing . . . to offer . . . employment*"—Race Relations Act 1976, s. 4(1)(*c*)
Post Office v. Adekeye, E.A.T. [1995] I.C.R. 540
C.A. [1997] I.C.R. 110
"*Regular occupation*"—National Insurance (Industrial Injuries) Act 1965, s. 14(1)(*a*)
Reg. v. Industrial Injuries Comr., *Ex parte* **Langley,** D.C. [1976] I.C.R. 36
"*Relates wholly or mainly to*"—Trade Union and Labour Relations Act 1974, s. 29(1) (as amended)
Mercury Communications Ltd. v. Scott-Garner, Mervyn Davies J. and C.A. [1984] I.C.R. 74
"*Relevant circumstances*"—Restrictive Trade Practices Act 1956, s. 22(4)
In re **Cement Makers' Federation Agreement (No. 2),** R.P.Ct.(E. & W.) [1974] I.C.R. 445
"*Relevant classes*"—Equal Pay Act 1970, s. 1(6)(*c*) (as amended)
British Coal Corpn. v. Smith, H.L.(E.) [1996] I.C.R. 515
"*Relevant date*"—Employment Protection (Consolidation) Act 1978, s. 90(1)(3)
Slater v. John Swain & Son Ltd., E.A.T. [1981] I.C.R. 554
"*Relevant decision*"—Industrial Tribunals (Interest) Order 1990, art. 2(1)
Secretary of State for Employment v. Reeves, E.A.T. [1993] I.C.R. 508
"*Relevant employees*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 7 (as amended)
Fisher v. York Trailer Co. Ltd., E.A.T. [1979] I.C.R. 834
"*Relevant employees*"—Employment Protection (Consolidation) Act 1978, s. 62(4)(*b*)
Coates v. Modern Methods & Materials Ltd., C.A. [1982] I.C.R. 763
Cormick v. Horsepower Ltd., E.A.T. [1980] I.C.R. 278
C.A. [1981] I.C.R. 535
Hindle Gears Ltd. v. McGinty, E.A.T. [1985] I.C.R. 111
H. Campey & Sons Ltd. v. Bellwood, E.A.T. [1987] I.C.R. 311
P. & O. European Ferries (Dover) Ltd. v. Byrne, C.A. [1989] I.C.R. 779
"*Relevant transfer*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2
Robert Seligman Corpn. v. Baker, E.A.T. [1983] I.C.R. 770
"*Religious belief*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(5)
Saggers v. British Railways Board, E.A.T. [1977] I.C.R. 809
"*Remuneration*"—Redundancy Payments Act 1965, Sch. 1, para. 5(1); Contracts of Employment Act 1972, Sch. 2, para. 3(2) **Weevsmay Ltd. v. Kings,** E.A.T. [1977] I.C.R. 244
"*Remuneration*"—Wages Act 1986, s. 16(1) **Nerva v. R. L. & G. Ltd.,** C.A. [1997] I.C.R. 11
"*Repair*"—Industrial Training (Construction Board) Order 1980, Sch. 1, para. 1(*a*)(i) (as amended)
Construction Industry Training Board v. Chiltern Insulations Ltd., Webster J. [1986] I.C.R. 394
"*Required to work in accordance with . . . contract of employment*"—Employment Protection Act 1975, s. 22(1) **Mailway (Southern) Ltd. v. Willsher,** E.A.T. [1978] I.C.R. 511
"*Requirement*"—Sex Discrimination Act 1975, s. 1(1)(*b*)
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"*Requirement or condition*"—Sex Discrimination Act 1975, s. 1(1)(*b*)
Home Office v. Holmes, E.A.T. [1984] I.C.R. 678
"*Requirements . . . for employees to carry out work*"—Redundancy Payments Act 1965, s. 1(2)(*b*)
Higgs & Hill Ltd. v. Singh, E.A.T. [1977] I.C.R. 193
Nottinghamshire County Council v. Lee, E.A.T. [1979] I.C.R. 818
C.A. [1980] I.C.R. 635
"*Residential establishment*"—Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1969, Sch., para. 27 **Hodges v. Probert,** May J. [1976] I.C.R. 95
"*Right . . . to take part in the activities of the trade union*"—Industrial Relations Act 1971, s. 5(1)(*c*)
Post Office v. Ravyts, N.I.R.C. [1972] I.C.R. 174
Post Office v. Crouch, C.A. [1973] I.C.R. 366
H.L.(E.) [1974] I.C.R. 378
"*Rules of the organisation*"—Industrial Relations Act 1971, s. 107(3)(*b*)
Oddy v. TSSA, N.I.R.C. [1973] I.C.R. 524
"*Safe*"—Factories Act 1961, s. 29(1) **Larner v. British Steel Plc.,** C.A. [1993] I.C.R. 551
"*Same employment*"—Equal Pay Act 1970, s. 1(2) (*b*) (*c*) (6) (as amended)
British Coal Corporation v. Smith, E.A.T. [1993] I.C.R. 529
C.A. [1994] I.C.R. 810
H.L.(E.) [1996] I.C.R. 515
"*Same work*"—E.C. Treaty, art. 119 **Angestelltenbetriebskrat der Wiener Gebietskrankenkasse v. Wiener Gebietskrankenkasse (Case C-309/97),** E.C.J [2000] I.C.R. 1134
"*Seeking employment*"—Fair Employment (Northern Ireland) Act 1976, ss. 17, 57(1)
Kelly v. Northern Ireland Housing Executive, H.L.(N.I.) [1998] I.C.R. 828
"*Sent*"—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 1, r. 17
Derrybaa Ltd. v. Castro-Blanco, E.A.T. [1986] I.C.R. 546
"*Sent*"—Industrial Tribunals (Constitution and Procedure) Regulations 1993, Sch. 1, r. 7(6)
Immigration Advisory Service v. Oommen, E.A.T. [1997] I.C.R. 683
"*Sent*"—Employment Appeal Tribunals Rules 1993, r. 3(2)
Hammersmith and Fulham London Borough Council v. Ladejobi, E.A.T. [1999] I.C.R. 673
"*Series of similar actions*"—Employment Protection (Consolidation) Act 1978, s. 24(2)
Adlam v. Salisbury and Wells Theological College, E.A.T. [1985] I.C.R. 786
"*Ships*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(2)
Addison v. Denholm Ship Management (U.K.) Ltd., E.A.T.(Sc.) [1997] I.C.R. 770
"*Significant*"—Limitation Act 1939, s. 2A(7)
McCafferty v. Metropolitan Police District Receiver, C.A. [1977] I.C.R. 799
"*So far as reasonably practicable*"—Trade Union Act 1984, s. 11(6) (as amended)
British Railways Board v. National Union of Railwaymen, C.A. [1989] I.C.R. 678
"*Social . . . advantages*"—Council Regulation (E.E.C.) No. 1612/68, art. 7(2)
MacMahon v. Department of Education and Science, Dillon J. [1983] I.C.R. 67
"*Some other disposition*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3 **Charlton v. Charlton Thermosystems (Romsey) Ltd.,** E.A.T. [1995] I.C.R. 56
Dines v. Initial Healthcare Services Ltd., C.A. [1995] I.C.R. 11
"*Some other substantial reason*"—Industrial Relations Act 1971, s. 24(1)(*b*)
R. S. Components Ltd. v. Irwin, N.I.R.C. [1973] I.C.R. 535
Blackman v. Post Office, N.I.R.C. [1974] I.C.R. 151
"*Some other substantial reason*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(1)(*b*)
Priddle v. Dibble, E.A.T. [1978] I.C.R. 149
Hollister v. National Farmers' Union, C.A. [1979] I.C.R. 542
Terry v. East Sussex County Council, E.A.T. [1976] I.C.R. 536
Nelson v. British Broadcasting Corpn., C.A. [1977] I.C.R. 649
East African Airways Corpn. v. Foote, E.A.T. [1977] I.C.R. 776
"*Some other substantial reason*"—Employment Protection (Consolidation) Act 1978, s. 57(1)(*b*)
Murphy v. Epsom College, E.A.T. [1983] I.C.R. 715
C.A. [1985] I.C.R. 80
Ely v. Y.K.K. Fasteners (U.K.) Ltd., C.A. [1994] I.C.R. 164
"*Special*"—Council Regulation (E.E.C.) No. 1408/71, art. 4(4) (as amended)
Vougioukas v. Idrima Koinonikon Asphalisseon (Case C-443/93), E.C.J. [1996] I.C.R. 913
"*Special circumstances*"—Employment Protection Act 1975, s. 99(8)
Clarks of Hove Ltd. v. Bakers' Union, E.A.T. [1977] I.C.R. 838
C.A. [1978] I.C.R. 1076
Union of Construction, Allied Trades and Technicians v. H. Rooke & Son (Cambridge) Ltd., E.A.T. [1978] I.C.R. 818
Secretary of State for Employment v. Helitron Ltd., E.A.T. [1980] I.C.R. 523
"*Special reasons*"—Employment Protection (Consolidation) Act 1978, s. 59(*b*)
Ball v. Balfour Kilpatrick Ltd., E.A.T. [1997] I.C.R. 740

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"*Specified period*"—Sex Discrimination Act 1975, s. 65(1)(*c*)
Prestcold Ltd. v. Irvine, E.A.T. [1980] I.C.R. 610
C.A. [1981] I.C.R. 777
"*Starts work*"—Employment Protection (Consolidation) Act 1978, s. 151(3) (as substituted)
General of the Salvation Army v. Dewsbury, E.A.T. [1984] I.C.R. 498
"*Strike*"—Contracts of Employment Act 1963, Sch. 1, para. 11
Bloomfield v. Springfield Hosiery Finishing Co. Ltd., N.I.R.C. [1972] I.C.R. 91
"*Subjecting*"—Race Relations Act 1976, s. 4(2)(*c*)
Burton v. De Vere Hotels Ltd., E.A.T. [1997] I.C.R. 1
"*Substantial reason of a kind such as to justify the dismissal*"—Industrial Relations Act 1971, s. 24(1)(*b*) **Mercia Rubber Mouldings Ltd. v. Lingwood,** N.I.R.C. [1974] I.C.R. 256
"*Sufficient and suitable lighting*"—Factories Act 1961, s. 5(1)
Davies v. Massey Ferguson Perkins Ltd., Evans J. [1986] I.C.R. 580
"*Suitable available vacancy*"—Employment Protection (Consolidation) Act 1978, s. 45(3)
Community Task Force v. Rimmer, E.A.T. [1986] I.C.R. 491
"*Suitable employment*"—Redundancy Payments Act 1965, s. 2(4)(*a*)
Morganite Crucible Ltd. v. Street, N.I.R.C. [1972] I.C.R. 110
"*Suitable means*"—Construction (Working Places) Regulations 1966, reg. 36(2)
Reg. v. Rhône-Poulenc Rorer Ltd., C.A. [1996] I.C.R. 1054
"*Supplementary*"—Council Directive (77/187/E.E.C.), art. 3(3)
Walden Engineering Co. Ltd. v. Warrener, E.A.T. [1993] I.C.R. 967
"*Taken over . . . indirectly*"—Industrial Training Levy (Road Transport) Order 1974, art. 2(3)
Road Transport Industry Training Board v. Ongaro, MacKenna J. [1977] I.C.R. 523
"*Taking part*"—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*) (as amended)
Rogers v. Chloride Systems Ltd., E.A.T. [1992] I.C.R. 198
"*Taking part in a strike*"—Employment Protection (Consolidation) Act 1978, s. 62(1)(*b*)
Dixon v. Wilson Walton Engineering Ltd., Industrial Tribunal [1979] I.C.R. 438
"*Temporary cessation of work*"—Contracts of Employment Act 1963, Sch. 1, para. 5(1)(*b*)
Clarke Chapman-John Thompson Ltd. v. Walters, N.I.R.C. [1972] I.C.R. 83
McGorry v. Earls Court Stand Fitting Co. Ltd., N.I.R.C. [1973] I.C.R. 100
Kolatsis v. Rockware Glass Ltd., N.I.R.C. [1974] I.C.R. 580
Bentley Engineering Co. Ltd. v. Crown, Phillips J. [1976] I.C.R. 225
Rashid v. Inner London Education Authority, E.A.T. [1977] I.C.R. 157
"*Term*"—Restrictive Trade Practices Act 1976, s. 9(3)
Associated Dairies Ltd. v. Baines, C.A. [1996] I.C.R. 183
H.L.(E.) [1997] I.C.R. 652
"*Termination of the employee's employment*"—Industrial Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994, art. 3(*c*)
Sarker v. South Tees Acute Hospitals N.H.S.Trust, E.A.T. [1997] I.C.R. 673
"*Terms and conditions of employment*"—Trade Union and Labour Relations Act 1974, s. 29(1)(*a*)
British Broadcasting Corpn. v. Hearn, C.A. [1977] I.C.R. 685
"*Terms related to death or retirement*"—Equal Pay Act 1970, s. 6(1A)
Worringham v. Lloyds Bank Ltd., E.A.T. [1979] I.C.R. 174
"*That bargaining unit*"—Industrial Relations Act 1971, s. 51(1)(*a*)
Koppel v. Guardian Royal Exchange Assurance Ltd., N.I.R.C. [1974] I.C.R. 216
"*The employment*"—Equal Pay Act 1970 s. 2(4) (as amended)
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"*The transfer*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 5(1)(2)(3), 8(1) **Ibex Trading Co. Ltd. v. Walton,** E.A.T. [1994] I.C.R. 907
"*The transfer*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(1)
Morris v. John Grose Group Ltd., E.A.T. [1998] I.C.R. 655
"*To the like effect*"—Restrictive Trade Practices Act 1956, s. 20(3)(*b*)
In re **British Concrete Pipe Association's Agreement (Note),** R.P.Ct. (E. & W.) [1982] I.C.R. 182
"*Trade dispute*"—Trade Union and Labour Relations Act 1974, s 29(1)
British Broadcasting Corpn. v. Hearn, C.A. [1977] I.C.R. 685
"*Trade dispute*"—Trade Union and Labour Relations (Consolidation) Act 1992, ss. 219, 244
Wandsworth London Borough Council v. National Association of Schoolmasters/Union of Women Teachers, C.A. [1994] I.C.R. 81
"*Trade dispute*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 244(1)
University College London Hospitals N.H.S. Trust v. UNISON, C.A. [1999] I.C.R. 204
"*Trade union*"—Industrial Relations Act 1971, s. 5(1)(*c*)
Kenyon v. Fred Miller Ltd., N.I.R.C. [1972] I.C.R. 260
"*Trade union*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 21(4)
Riley v. Tesco Stores Ltd., C.A. [1980] I.C.R. 323
"*Training in vocational schools*"—Council Regulation (E.E.C.) No. 1612/68, art. 7(3)
MacMahon v. Department of Education and Science, Dillon J. [1983] I.C.R. 67

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"*Transfer*"—Employment Protection (Consolidation) Act 1978, Sch. 13, para. 17(2)
Gibson v. Mortune Ltd., E.A.T. [1990] I.C.R. 740

"*Transfer*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(3)
Kestongate Ltd. v. Miller, E.A.T. [1986] I.C.R. 672

"*Transfer of an undertaking*"—Council Directive (77/187/E.E.C.), art. 1(1)
Kenny v. South Manchester Colleges, Sir Michael Ogden Q.C. [1993] I.C.R. 934
Dines v. Initial Healthcare Services, E.A.T. [1993] I.C.R. 978
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"*Transfer . . . of an undertaking*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1)
Council of the Isles of Scilly v. Brintel Helicopters Ltd., E.A.T. [1995] I.C.R. 249
Dines v. Initial Healthcare Services Ltd., C.A. [1995] I.C.R. 11
Kelman v. Care Contract Services Ltd., E.A.T. [1995] I.C.R. 265
Betts v. Brintel Helicopters Ltd., C.A. [1997] I.C.R. 792
ECM (Vehicle Delivery Service) Ltd. v. Cox, E.A.T. [1998] I.C.R. 631
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"*Transfer of an undertaking, business or part of a business*"—Council Directive (77/187/E.E.C.), art. 1(1) **Ledernes Hovedorganisation v. Dansk Arbejdsgiverforening (Rygaard's Case) (Case C-48/94),** E.C.J. [1996] I.C.R. 333
Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94), E.C.J. [1997] I.C.R. 352
Henke v. Gemeinde Schierke (Case C-298/94), E.C.J. [1997] I.C.R. 746

"*Under or by reference to*" Race Relations Act 1976, s. 2(1)
Aziz v. Trinity Street Taxis Ltd., C.A. [1988] I.C.R. 534

"*Under the government of an overseas territory*"—Redundancy Payments Act 1965, s. 16(5)
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"*Undertaking*"—Construction (Lifting Operations) Regulations 1961, reg. 3(1)
Williams v. West Wales Plant Hire Co. Ltd., C.A. [1985] I.C.R. 6

"*Undertaking*"—Industrial Relations Act 1971, s. 167(1) **Kapur v. Shields,** Phillips J. [1976] I.C.R. 26

"*Undertaking*"—Health and Safety at Work etc. Act 1974, s. 3(1)
Reg. v. Mara, C.A. [1987] I.C.R. 165
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"*Undertaking*"—Employers' Health and Safety Policy Statements (Exception) Regulations 1975, reg. 2 **Osborne v. Bill Taylor of Huyton Ltd.,** D.C. [1982] I.C.R. 168

"*Undertaking*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1)
U.K. Waste Control Ltd. v. Wren, E.A.T. [1995] I.C.R. 974

"*Undertaking*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 3, 8
Wren v. Eastbourne Borough Council, E.A.T. [1993] I.C.R. 955

"*Union membership agreement*"—Trade Union and Labour Relations Act 1974, s. 30(1)
Home Counties Dairies Ltd. v. Woods, E.A.T. [1977] I.C.R. 463

"*Unit of employment*"—Industrial Relations Act 1971, s. 37(1)
Writers' Guild of Great Britain v. B.B.C., N.I.R.C. [1974] I.C.R. 234

"*United Kingdom*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1) **Addison v. Denholm Ship Management (U.K.) Ltd.,** E.A.T.(Sc.) [1997] I.C.R. 770

"*Unreasonable conduct*"—Industrial Court Rules 1971, r. 69
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"*Unreasonable conduct in . . . conducting*"—Employment Appeal Tribunal Rules 1976, r. 21(1)
Croydon v. Greenham (Plant Hire) Ltd., E.A.T. [1978] I.C.R. 415

"*Unreasonably refused*"—Employment Protection Act 1975, s. 70(4)
Lowson v. Percy Main & District Social Club & Institute Ltd., E.A.T. [1979] I.C.R. 568

"*Using*"—Construction (General Provisions) Regulations 1961, reg. 3(1)
Morris v. Breaveglen Ltd. (trading as Anzac Construction Co.), C.A. [1993] I.C.R. 766

"*Wages*"—Employment Protection (Consolidation) Act 1978, s. 8
Cofone v. Spaghetti House Ltd., E.A.T. [1980] I.C.R. 155

"*Wages*"—Wages Act 1986, s. 7(1)
Delaney v. Staples (trading as De Montfort Recruitment), E.A.T. [1990] I.C.R. 364
C.A. [1991] I.C.R. 331
H.L.(E.) [1992] I.C.R. 483
Foster Wheeler (London) Ltd. v. Jackson, E.A.T. [1990] I.C.R. 757
Janstorp International (U.K.) Ltd. v. Allen, E.A.T. [1990] I.C.R. 779

"*Wages*"—Wages Act 1986, ss. 7(1), 8(3)
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"*Was terminated*"—Teachers' Superannuation (Consolidation) Regulations 1988, reg. E4(7)(*d*)
Teachers' Pensions Agency v. Hill, Sullivan J. [1999] I.C.R. 435

"*Week's pay*"—Redundancy Payments Act 1965, Sch. 1, para. 5(1)
S. & U. Stores Ltd. v. Wilkes, N.I.R.C. [1974] I.C.R. 645

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"*Week's pay*"—Employment Protection (Consolidation) Act 1978, Sch. 4, para. 2; Sch. 14, para. 3(2)
Secretary of State for Employment v. John Woodrow & Sons (Builders) Ltd., E.A.T. [1983] I.C.R. 582

"*Week's pay*"—Employment Protection (Consolidation) Act 1978, Sch. 14, para. 3(2)
British Coal Corpn. v. Cheesbrough, E.A.T. [1988] I.C.R. 160

"*Week's pay*"—Employment Rights Act 1996, s. 221(2)
W. A. Armstrong & Sons Ltd v. Borrill, E.A.T. [2000] I.C.R. 367

"*Where he was so employed*"—Redundancy Payments Act 1965, s. 1(2)(*b*)
Sutcliffe v. Hawker Siddeley Aviation Ltd., N.I.R.C. [1973] I.C.R. 560
United Kingdom Atomic Energy Authority v. Claydon, N.I.R.C. [1974] I.C.R. 128

"*Who*"—Industrial Relations Act 1971, s. 27(1)(*a*)
Mayhew v. Richard Alexander & Son, N.I.R.C. [1973] I.C.R. 441

"*Whole-time employee*"—Local Government Superannuation Regulations 1974, reg. A3(1)
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"*Wholly or mainly outside Great Britain*"—Employment Rights Act 1996, s. 196(2)
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"*Widower*"—Pension scheme **Bavin v. N.H.S. Trust Pensions Agency,** E.A.T. [1999] I.C.R. 1192

"*With immediate effect*"—Contract **Skilton v. T. & K. Home Improvements Ltd.,** C.A. [2000] I.C.R. 1162

"*Work for*"—Race Relations Act 1976, s. 7(1) **Harrods Ltd. v. Remick,** E.A.T. [1996] I.C.R. 846
C.A. [1998] I.C.R. 156
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"*Work of a particular kind*"—Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, s. 11(2)(*b*) **Murray v. Foyle Meats Ltd.,** H.L.(N.I.) [1999] I.C.R. 827

"*Work of a particular kind*"—Redundancy Payments Act 1965, s. 1(2)(*b*)
Amos v. Max-Arc Ltd., N.I.R.C. [1973] I.C.R. 46
Johnson v. Nottinghamshire Combined Police Authority, C.A. [1974] I.C.R. 170
Lesney Products & Co. Ltd. v. Nolan, C.A. [1977] I.C.R. 235
Robinson v. British Island Airways Ltd., E.A.T. [1978] I.C.R. 304

"*Work of a particular kind*"—Employment Protection (Consolidation) Act 1978, s. 81(2)(*b*)
Cowen v. Haden Ltd., E.A.T. and C.A. [1983] I.C.R. 1
Macfisheries Ltd. v. Findlay, E.A.T. [1985] I.C.R. 160
Murphy v. Epsom College, C.A. [1985] I.C.R. 80

"*Work of a particular kind*"—Employment Rights Act 1996, s. 139(1)(*b*)(i)
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"*Work or labour*"—Equal Pay Act 1970, s. 1(6)(*a*) **Quinnen v. Hovells,** E.A.T. [1984] I.C.R. 525

"*Work or use*"—Construction (General Provisions) Regulations 1961, reg. 3(1)
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"*Worker*"—Industrial Relations Act 1971, s. 167(1) **Broadbent v. Crisp,** N.I.R.C. [1974] I.C.R. 248
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"*Worker*"—Employment Rights Act 1996, s. 13(1)
Comr. of Police of the Metropolis v. Lowrey-Nesbitt, E.A.T. [1999] I.C.R. 401

"*Worker*"—National Minimum Wage Act 1998, s. 54(3)
Edmonds v. Lawson, E.A.T. [2000] I.C.R. 567

"*Worker*"—Council Regulation (E.E.C.) No. 1612/68, art. 7(1)
MacMahon v. Department of Education and Science, Dillon J. [1983] I.C.R. 67

"*Workers and their employer*"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 244(1) **University College London Hospitals N.H.S. Trust v. UNISON,** C.A. [1999] I.C.R. 204

"*Working hours*"—Trade Union and Labour Relations Act 1974, Sch. 1, para. 6(4A)
Zucker v. Astrid Jewels Ltd., E.A.T. [1978] I.C.R. 1088

"*Working place*"—Mines and Quarries Act 1954, s. 48(1)
Hammond v. National Coal Board, C.A. [1984] I.C.R. 820

"*Worsening of his position*"—Transport Act 1968, s. 135(1)
Tuck v. National Freight Corpn., C.A. [1978] I.C.R. 323
H.L.(E.) [1979] I.C.R. 123

CASES JUDICIALLY CONSIDERED

I.C.R. 1972 to 2000

A.B. v. South West Water Services Ltd. [1993] Q.B. 507; [1993] 2 W.L.R. 507; [1993] 1 All E.R. 609, C.A. **Applied,** *Deane v. Ealing London Borough Council* [1993] I.C.R. 329
Distinguished, *Prison Service v. Johnson* [1997] I.C.R. 275

A.G. Securities v. Vaughan [1990] 1 A.C. 417; [1998] 3 W.L.R. 1205; [1988] 3 All E.R. 1058, H.L.(E.). **Distinguished,** *Norris v. Checksfield* [1991] I.C.R. 632

Abbott v. Sullivan [1952] 1 K.B. 189; [1952] 1 All E.R. 226, C.A. **Followed,** *Radford v. NATSOPA* [1972] I.C.R. 484

Abels v. Administrative Board of the Bedrijfsvereniging voor de Metaalindustrie en de Electrotechnische Industrie (Case 135/83) [1985] E.C.R. 469, E.C.J. **Considered,** *Jules Dethier Équipement S.A. v. Dassy* (Case C-319/94) [1998] I.C.R. 541

Abernethy v. Mott, Hay and Anderson [1974] I.C.R. 323, C.A. **Applied,** *Gayle v. John Wilkinson & Sons (Saltley) Ltd.* [1978] I.C.R. 154; *Yusuf v. Aberplace Ltd.* [1984] I.C.R. 850; *Clarke v. Trimoco Motor Group Ltd.* [1993] I.C.R. 237; *Ely v. Y.K.K. Fasteners (U.K.) Ltd.* [1994] I.C.R. 164
Considered, *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 662; *Hotson v. Wisbech Conservative Club* [1984] I.C.R. 859: *Stacey v. Babcock Power Ltd.* [1986] I.C.R. 221: *Parkinson v. March Consulting Ltd.* [1998] I.C.R. 276

Adams v. Cape Industries Plc. [1990] Ch. 433; [1990] 2 W.L.R. 657; [1991] 1 All E.R. 929, C.A.
Considered, *Brookes v. Borough Care Services Ltd.* [1998] I.C.R. 1198

Adams v. Lancashire County Council [1996] I.C.R. 935. **Decision of Robert Walker J. affirmed** [1997] I.C.R. 834

Addis v. Gramophone Co. Ltd. [1909] A.C. 488, H.L.(E.). **Applied,** *Cox v. Phillips Industries Ltd.* [1976] I.C.R. 138; *Shove v. Downs Surgical Plc.* [1984] I.C.R. 532: *Bliss v. South East Thames Regional Health Authority* [1987] I.C.R. 700; *O'Laoire v. Jackel International Ltd. (No. 2)* [1991] I.C.R. 718; *Mahmud v. Bank of Credit and Commerce International S.A.* [1996] I.C.R. 406; *Johnson v. Unisys Ltd.* [1999] I.C.R. 809
Not followed, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606

Addison v. Babcock F.A.T.A. Ltd. [1987] I.C.R. 45, E.A.T. **Decision of the Employment Appeal Tribunal reversed in part** [1987] I.C.R. 805

Addison v. Babcock F.A.T.A. Ltd. [1987] I.C.R. 45, 51, E.A.T. **Dicta not followed,** *Rushton v. Harcros Timber & Building Supplies Ltd.* [1993] I.C.R. 230

Addison v. Babcock F.A.T.A. Ltd. [1987] I.C.R. 45, E.A.T.; [1987] I.C.R. 805; [1988] Q.B. 280; [1987] 3 W.L.R. 122: [1987] 2 All E.R. 784, C.A. **Considered,** *Horizon Holidays Ltd. v. Grassi* [1987] I.C.R. 851

Addison v. Babcock F.A.T.A. Ltd. [1987] I.C.R. 805; [1988] Q.B. 280; [1987] 3 W.L.R. 122; [1987] 2 All E.R. 784, C.A. **Considered,** *Isleworth Studios Ltd. v. Rickard* [1988] I.C.R. 432

Addison v. London Philharmonic Orchestra Ltd. [1981] I.C.R. 261, 270, E.A.T. **Dictum of Waterhouse J. applied,** *Warner Holidays Ltd. v. Secretary of State for Social Services* [1983] I.C.R. 440
Considered, *Midland Sinfonia Concert Society Ltd. v. Secretary of State for Social Services* [1981] I.C.R. 454; *Baker v. Superite Tools Ltd.* [1986] I.C.R. 189

Adsett v. K. and L. Steelfounders and Engineers Ltd. [1953] 1 W.L.R. 137; [1953] 1 All E.R. 97. **Considered,** *Owen v. Crown House Engineering Ltd.* [1973] I.C.R. 511

Ahmad v. Inner London Education Authority [1976] I.C.R. 461, E.A.T. **Decision of the Employment Appeal tribunal affirmed** [1977] I.C.R. 490

Ahmed Saeed Flugreisen v. Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V. (Case 66/86) [1989] E.C.R. 803, E.C.J. **Applied,** *Viho Europe B.V. v. Commission of the European Communities* (Case T-102/92) [1995] I.C.R. 1050

Aiden Shipping Co. Ltd. v. Interbulk Ltd. [1986] A.C. 965; [1986] 2 W.L.R. 1051; [1986] 2 All E.R. 409, H.L.(E.) **Applied,** *McDonald v. Horn* [1995] I.C.R. 685

Air Canada v. Lee [1978] I.C.R. 1202, E.A.T. **Considered,** *Turvey v. C. W. Cheney & Son Ltd.* [1979] I.C.R. 341

Airfix Footwear Ltd. v. Cope [1978] I.C.R. 1210, E.A.T. **Approved,** *Nethermere (St. Neots) Ltd. v. Gardiner* [1984] I.C.R. 612
Considered, *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526

Albion Shipping Agency v. Arnold [1982] I.C.R. 22, E.A.T. **Considered,** *Diocese of Hallam Trustee v. Connaughton* [1996] I.C.R. 860

Alboni v. Ind Coope Retail Ltd. [1998] I.R.L.R. 131, C.A. **Considered,** *West Kent College v. Richardson* [1999] I.C.R. 511

Alcock v. Chief Constable of South Yorkshire Police [1992] 1 A.C. 310; [1991] 3 W.L.R. 1057; [1991] 4 All E.R. 907, H.L.(E.). **Applied,** *Hunter v. British Coal Corpn.* [1999] I.C.R. 72
Considered, *Schofield v. Chief Constable of West Yorkshire Police* [1999] I.C.R. 193; *Frost v. Chief Constable of South Yorkshire Police* [1999] I.C.R. 216

Alexander v. Home Office [1988] I.C.R. 685, 692; [1988] 1 W.L.R. 968; [1988] 2 All E.R. 118, C.A. **Dictum of May L.J. applied,** *Sheriff v. Klyne Tugs (Lowestoft) Ltd.* [1999] I.C.R. 1170
Considered, *Gbaja-Biamila v. DHL International (UK) Ltd.* [2000] I.C.R. 730

Alexander v. Tredegar Iron & Coal Co. Ltd. [1945] A.C. 286; [1945] 2 All E.R. 275, H.L.(E.).
Applied, *Jennings v. National Coal Board* [1983] I.C.R. 636

Alexander Machinery (Dudley) Ltd. v. Crabtree [1974] I.C.R. 120, N.I.R.C. **Applied,** *Levy v. Marrable & Co. Ltd.* [1984] I.C.R. 583
Considered, *Long & Hambly Ltd. v. Bryan* [1975] I.C.R. 200; *Varndell v. Kearney & Trecker Marwin Ltd.* [1983] I.C.R. 683

Ali v. Christian Salvesen Food Services Ltd. [1996] I.C.R. 1, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 25

Alidair Ltd. v. Taylor [1977] I.C.R. 446, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1978] I.C.R. 445

Alidair Ltd. v. Taylor [1978] I.C.R. 445, C.A. **Applied,** *Harris (Ipswich) Ltd. v. Harrison* [1978] I.C.R. 1256

Allan v. Stirling District Council [1994] I.C.R. 434, E.A.T.(Sc.). **Decision of the Employment Appeal Tribunal reversed** [1995] I.C.R. 1082

Allan v. Stirling District Council [1994] I.C.R. 434, E.A.T.(Sc.). **Doubted,** *Ibex Trading Co. Ltd. v. Walton* [1994] I.C.R. 907

Allen v. Sir Alfred McAlpine & Sons Ltd. [1968] 2 Q.B. 229; [1968] 2 W.L.R. 366; [1968] 1 All E.R. 543, C.A. **Applied,** *Buck v. English Electric Co. Ltd.* [1977] I.C.R. 629

Allen v. Thorn Electrical Industries Ltd. [1968] 1 Q.B. 487, 505; [1967] 3 W.L.R. 858; [1967] 2 All E.R. 1137, C.A. **Dictum of Danckwerts L.J. applied,** *Summerfield v. London Co-operative Society Ltd.* [1973] I.C.R. 568
Distinguished, *Home Counties Dairies Ltd. v. Woods* [1977] I.C.R. 463

Allen & Son v. Coventry [1980] I.C.R. 9, E.A.T. **Applied,** *Jeetle v. Elster* [1985] I.C.R. 389

Allied Ironfounders Ltd. v. Macken (1971) 6 I.T.R. 109, D.C. **Applied,** *Adams v. John Wright & Sons (Blackwall) Ltd.* [1972] I.C.R. 463

Allsop v. North Tyneside Metropolitan Borough Council [1992] I.C.R. 639, C.A. **Distinguished,** *Newbold v. Leicester City Council* [1999] I.C.R. 1182

Alphafield Ltd. (trading as Apex Leisure Hire) v. Barratt [1984] I.C.R. 452; [1984] 1 W.L.R. 1062; [1984] 3 All E.R. 795, E.A.T. **Distinguished,** *Secretary of State for Employment v. Anchor Hotel (Kippford) Ltd.* [1985] I.C.R. 724

Alsop v. Star Vehicle Contracts Ltd. [1990] I.C.R. 378, 380-381, E.A.T. **Not applied,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331

Amber Size & Chemical Co. Ltd. v. Menzel [1913] 2 Ch. 239. **Applied,** *Faccenda Chicken Ltd. v. Fowler* [1986] I.C.R. 297

American Cyanamid Co. v. Ethicon Ltd. [1975] A.C. 396; [1975] 2 W.L.R. 316; [1975] 1 All E.R. 504, H.L.(E.). **Applied,** *Hubbard v. Pitt* [1975] I.C.R. 308: *Losinska v. Civil and Public Services Association* [1976] I.C.R. 473: *Roebuck v. National Union of Mineworkers* [1977] I.C.R. 573; *British Broadcasting Corpn. v. Hearn* [1977] I.C.R. 685: *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74; *Dimbleby & Sons Ltd. v. National Union of Journalists* [1984] I.C.R. 386; *Powell v. Brent London Borough Council* [1988] I.C.R. 176; *Dairy Crest Ltd. v. Pigott* [1989] I.C.R. 92; *Lawrence David Ltd. v. Ashton* [1989] I.C.R. 123; *Robb v. Hammersmith and Fulham London Borough Council* [1991] I.C.R. 514; *Marsh v. National Autistic Society* [1993] I.C.R. 453
Considered, *Lansing Linde v. Kerr* [1991] I.C.R. 428; *Credit Suisse Asset Management Ltd. v. Armstrong* [1996] I.C.R. 882

Amies v. Inner London Education Authority [1977] I.C.R. 308, 311; [1977] 2 All E.R. 100, E.A.T. **Approved,** *Barclays Bank Plc. v. Kapur* [1991] I.C.R. 208
Dictum of Bristow J. approved, *Barclays Bank Plc. v. Kapur* [1989] I.C.R. 753
Applied, *Charles Early & Marriott (Witney) Ltd. v. Smith* [1977] I.C.R. 700; *Sougrin v. Haringey Health Authority* [1991] I.C.R. 791; [1992] I.C.R. 650

Amministrazione delle Finanze dello Stato v. Simmenthal S.p.A. (Case 106/77) [1978] E.C.R. 629, E.C.J. **Applied,** *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R. 722

Anderson v. Dalkeith Engineering Ltd. [1985] I.C.R. 66, E.A.T. **Not followed,** *Wheeler v. Patel* [1987] I.C.R. 631; *Ibex Trading Co. Ltd. v. Walton* [1994] I.C.R. 907

Anderson v. James Sutherland (Peterhead) Ltd., 1941 S.C.203. **Applied,** *Folami v. Nigerline (U.K.) Ltd.* [1978] I.C.R. 277

Andrews v. Mitchell [1905] A.C. 78, H.L.(E.). **Applied,** *Radford v. NATSOPA* [1972] I.C.R. 484

Anglo Continental School of English (Bournemouth) Ltd. v. Gardiner [1973] I.C.R. 261, N.I.R.C. **Applied,** *Beanstalk Shelving Ltd. v. Horn* [1980] I.C.R. 273
Considered, *Post Office v. Moore* [1981] I.C.R. 623
Not applied, *Hetton Victory Club Ltd. v. Swainston* [1983] I.C.R. 341
Distinguished, *Hetton Victory Club Ltd. v. Swainston* [1983] I.C.R. 139

Anns v. Merton London Borough Council [1978] A.C. 728: [1977] 2 W.L.R. 1024; [1977] 2 All E.R. 492, H.L.(E.). **Applied,** *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7

Apex Leisure Hire v. Barratt [1984] I.C.R. 452; sub nom. Alphafield Ltd. (trading as Apex Leisure Hire) v. Barratt [1984] 1 W.L.R. 1062; [1984] 3 All E.R. 795, E.A.T. **Applied,** *Bullard v. Marchant* [1986] I.C.R. 389
Considered, *Secretary of State for Employment v. Spence* [1986] I.C.R. 181: *Fenton v. Stablegold Ltd.* [1986] I.C.R. 236
Disapproved, *Secretary of State for Employment v. Spence* [1986] I.C.R. 651: *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341

Allied Maples Group Ltd. v. Simmons & Simmons [1995] 1 W.L.R. 1602; [1995] 4 All E.R. 907, C.A. **Applied,** *Bank of Credit and Commerce International S.A. v. Ali (No. 2)* [2000] I.C.R. 1354

Arbeitwohlfahrt der Stadt Berlin e.V. v. Bötel (Case C-360/90) [1992] E.C.R. I-3589, E.C.J. **Applied,** *Davies v. Neath Port Talbot County Borough Council* [1999] I.C.R. 1132

Aries Tanker Corpn. v. Total Transport Ltd. [1977] 1 W.L.R. 185; [1977] 1 All E.R. 398, H.L.(E.) **Considered,** *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

Armstrong, Whitworth and Co. Ltd. v. Redford [1920] A.C. 757, H.L.(E.). **Considered,** *R. v. National Insurance Comr., Ex parte Michael* [1977] I.C.R. 121

Armstrong Whitworth Rolls Ltd. v. Mustard [1971] 1 All E.R. 598, D.C. **Explained,** *Tarmac Roadstone Holdings Ltd. v. Peacock* [1973] I.C.R. 273

Arnold v. National Westminster Bank Plc. [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177; [1991] 3 All E.R. 41, H.L.(E.) **Considered,** *Staffordshire County Council v. Barber* [1996] I.C.R. 379

Arthur v. Attorney-General [1999] I.C.R. 631, E.A.T. **Considered,** *Sawyer v. Ahsan [2000] I.C.R. 1*

Ashley v. Ministry of Defence [1984] I.C.R. 298, 304, E.A.T. **Dictum of Browne-Wilkinson J. applied,** *British Bakeries (Northern) Ltd. v. Adlington* [1989] I.C.R. 438

Associated British Ports v. Palmer [1993] I.C.R. 101, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1994] I.C.R. 97

Associated British Ports v. Palmer [1994] I.C.R. 97, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 406

Associated British Ports v. Palmer [1994] I.C.R. 97, 101, C.A. **Dicta of Dillon L.J. applied,** *Harrison v. Kent County Council* [1995] I.C.R. 434

Associated British Ports v. Palmer [1995] I.C.R. 406, 419, 422, 424-425; [1995] 2 A.C. 454; [1995] 2 W.L.R. 354; [1995] 2 All E.R. 100, H.L.(E.). **Dicta considered,** *Speciality Care Plc. v. Pachela* [1996] I.C.R. 633

Associated Dairies Ltd. v. Baines [1995] I.C.R. 296. **Decision of Sir John Vinelott, sitting as a judge of the Chancery Division reversed** [1996] I.C.R. 183

Associated Dairies Ltd. v. Baines [1996] I.C.R. 183, C.A. **Decision of the Court of Appeal reversed** [1997] I.C.R. 652

Associated Newspapers Group Ltd. v. Wade [1979] I.C.R. 664, 701, 703; [1979] 1 W.L.R. 697, C.A. **Dicta of Geoffrey Lane L.J. applied,** *N.W.L. Ltd. v. Woods* [1979] I.C.R. 744

Associated Newspapers Ltd. v. Wilson [1992] I.C.R. 681, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1994] I.C.R. 97

Associated Newspapers Ltd. v. Wilson [1994] I.C.R. 97, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 406

Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn. [1948] 1 K.B. 223; [1947] 2 All E.R. 680, C.A. **Applied,** *Powley v. Advisory Conciliation and Arbitration Service* [1978] I.C.R. 123; *National Employers Life Assurance Co. Ltd. v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 620; *Edge v. Pensions Ombudsman* [2000] I.C.R. 748

Attorney-General v. Birmingham, Tame and Rea Drainage Board (1881) 17 Ch.D. 685, C.A. **Applied,** *In re British Concrete Pipe Association's Agreement* [1981] I.C.R. 421

Attorney-General v. Birmingham, Tame and Rea District Drainage Board [1912] A.C. 788, 801-802, H.L.(E.). **Dictum of Lord Gorell applied,** *Engineers' and Managers' Association v. Advisor Conciliation and Arbitration Service* [1979] I.C.R. 637

Attorney-General v. Blake [1998] Ch. 439, 458–459; [1998] 2 W.L.R. 805; [1998] 1 All E.R. 833, C.A. **Dicta of Lord Woolf M.R. considered,** *University of Nottingham v. Fishel* [2000] I.C.R. 1462

Attorney-General v. British Broadcasting Corpn. [1981] A.C. 303; [1980] 3 W.L.R. 109; [1980] 3 All E.R. 161, H.L.(E.) **Applied,** *Peach Grey & Co. v. Sommers* [1995] I.C.R. 549

Attorney-General v. Butterworth [1963] 1 Q.B. 696; [1962] 2 W.L.R. 70; [1962] 2 All E.R. 147, C.A. **Applied,** *Roebuck v. National Union of Mineworkers* [1977] I.C.R. 573

Attorney-General v. Lamplough (1878) 3 Ex.D. 214, C.A. **Distinguished,** *Express & Star Ltd. v. Bunday* [1988] I.C.R. 379

Attorney-General v. Magdalen College, Oxford (1847) 10 Beav. 402. **Considered,** *Thomas v. University of Bradford* [1986] I.C.R. 87

Attorney-General of the Commonwealth of Australia v. Adelaide Steamship Co. Ltd. [1913] A.C. 781, 797, P.C. **Dicta of Lord Parker of Waddington applied,** *Boddington v. Lawton* [1994] I.C.R. 478

Atwood v. Chichester (1878) 3 Q.B.D. 722, C.A. **Applied,** *Ryan Plant International Ltd. v. Price* [1976] I.C.R. 424

Austin Motor Co. Ltd.'s Agreement, *In re* (1957) L.R. 1 R.P. 6; [1958] Ch. 61; [1957] 3 W.L.R. 450; [1957] 3 All E.R. 62. **Applied,** *Fisher v. Director General of Fair Trading* [1982] I.C.R. 71

Austin Rover Group Ltd. v. Her Majesty's Inspector of Factories [1990] I.C.R. 133, 147; [1990] 1 A.C. 619; [1989] 3 W.L.R. 520; [1989] 2 All E.R. 1087, H.L.(E.). **Dictum of Lord Jauncey of Tullichettle considered,** *R.M.C. Roadstone Products Ltd. v. Jester* [1994] I.C.R. 456

Australian Mutual Provident Society v. Chaplin (1978) 18 A.L.R. 385, P.C. **Followed,** *Narich Pty. Ltd. v. Comr. of Pay-roll Tax* [1984] I.C.R. 286

Australian Workers' Union v. Bowen (No. 2) (1948) 77 C.L.R. 601. **Applied,** *Roebuck v. National Union of Mineworkers* [1977] I.C.R. 573

Automatic Telephone and Electric Co. Ltd. v. Registrar of Restrictive Trading Agreements (1964) L.R. 5 R.P. 1, 21; [1964] 1 W.L.R. 795; [1964] 2 All E.R. 873. **Dicta of Pennycuick J. applied,** *In re Cadbury Schweppes Ltd. and J. Lyons & Co. Ltd.'s Agreement* [1975] I.C.R. 240

Aziz v. Trinity Street Taxis Ltd. [1986] I.R.L.R. 435, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1988] I.C.R. 534

Aziz v. Trinity Street Taxis Ltd. [1988] I.C.R. 534, 548; [1989] Q.B. 463; [1988] 3 W.L.R. 79; [1988] 2 All E.R. 860, C.A. **Dicta of Slade L.J. disapproved,** *Nagarajan v. London Regional Transport* [1999] I.C.R. 877

. & S. Contracts and Design Ltd. v. Victor Green Publications Ltd. [1982] I.C.R. 654. **Decision of Sir Douglas Frank Q.C. sitting as a deputy judge of the Queen's Bench Division affirmed** [1984] I.C.R. 419

BP Oil Ltd. v. Richards (unreported), 12 April 1983, E.A.T. **Followed,** *Housing Services Agency v. Cragg* [1997] I.C.R. 1050

Bagga v. Heavy Electricals (India) Ltd. [1972] I.C.R. 118, N.I.R.C. **Followed,** *de Mars v. Gurr Johns & Angier Bird Ltd.* [1973] I.C.R. 35
Considered, *International Aviation Services (U.K.) Ltd. v. Jones* [1979] I.C.R. 371: *Borden (U.K.) Ltd.v. Potter* [1986] I.C.R. 647

Bailey (N. G.) & Co. Ltd. v. Preddy [1971] 1 W.L.R. 796; [1971] 3 All E.R. 225, D.C. **Followed,** *S. & U. Stores Ltd. v. Wilkes* [1974] I.C.R. 645

Baker v. Kaye [1997] I.R.L.R. 219. **Not approved,** *Kapfunde v. Abbey National Plc.* [1999] I.C.R. 1

Baker v. Market Harborough Industrial Co-operative Society Ltd. [1953] 1 W.L.R. 1472, C.A. **Applied,** *Morris v. London Iron and Steel Co. Ltd.* [1986] I.C.R. 629
Considered, *Morris v. London Iron and Steel Co. Ltd.* [1987] I.C.R. 855

Balfour v. Foreign and Commonwealth Office [1993] I.C.R. 663, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1994] I.C.R. 277

Ballard v. Ministry of Defence [1976] I.C.R. 54. **Decision of Griffiths J. affirmed** [1977] I.C.R.513

Bank Line Ltd. v. Arthur Capel & Co. [1919] A.C. 435, H.L.(E.). **Considered,** *F. C. Shepherd & Co. Ltd. v. Jerrom* [1986] I.C.R. 802

Bank of Credit and Commerce International S.A. v. Ali [1999] I.C.R. 1068. **Decision of Lightman J. reversed** [2000] I.C.R. 1410

Bank voor Handel en Scheepvaart N.V. v. Slatford [1953] 1 Q.B. 248; [1952] 2 All E.R. 956, C.A. **Distinguished,** *Lee Ting Sang v. Chung Chi-Keung* [1990] I.C.R. 409

Barber v. Guardian Royal Exchange Assurance Group (Case C-262/88) [1990] I.C.R. 616; [1991] 1 Q.B. 344; [1991] 2 W.L.R. 72; [1990] 2 All E.R. 660, [1990] E.C.R. 1-1189, E.C.J. **Applied,** *Roberts v. Birds Eye Walls Ltd.* [1991] I.C.R. 43; *Roscoe v. Hick Hargreaves & Co.Ltd.* [1991] I.C.R. 501; *Mediguard Services Ltd. v. Thame* [1994] I.C.R. 751; *Ten Oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf* (Case C-109/91) [1995] I.C.R. 74; *Moroni v. Collo G.m.b.H.* (Case C-110/91) [1995] I.C.R. 137; *Neath v. Hugh Steeper Ltd.* (Case C-152/91) [1995] I.C.R. 158; *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179; *Smith v. Avdel Systems Ltd.* (Case C-408/92) [1995] I.C.R. 596; *Howard v. Ministry of Defence* [1995] I.C.R. 1074; *Barry v. Midland Bank Plc.* [1999] I.C.R. 859
Considered, *McKechnie v. U.B.M. Building Supplies (Southern) Ltd.* [1991] I.C.R. 710: *Ministry of Defence v. Cannock* [1994] I.C.R. 918: *Rankin v. British Coal Corporation* [1995] I.C.R. 774; *Vroege v. NCIV Instituut voor Volkshuisvesting B.V.* (Case C-57/93) [1995] I.C.R. 635; *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889; *Magorrian v. Eastern Health and Social Services Board* (Case C-246/96) [1998] I.C.R. 979
Distinguished, *Griffin v. London Pensions Fund Authority* [1993] I.C.R. 564

Barber v. Manchester Regional Health Board [1958] 1 W.L.R. 181; [1958] 1 All E.R. 322. **Not followed,** *Irani v. Southampton and South West Hampshire Health Authority* [1985] I.C.R. 590
Distinguished, *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Barber v. Thames Television Plc. [1991] I.C.R. 253, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1992] I.C.R. 661

Barber v. Thames Television Plc. [1991] I.C.R. 253, E.A.T. **Followed,** *Leicester University Students' Union v. Mahomed* [1995] I.C.R. 270

Barber v. Thames Television Plc. [1992] I.C.R. 661, 671, 673, C.A. **Dicta of Dillon and Staughton L.JJ. not followed,** *Bratko v. Beloit Walmsley Ltd.* [1996] I.C.R. 76

Barclays Bank Plc. v. Kapur [1989] I.C.R. 142, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 753

Barclays Bank Plc. v. Kapur [1989] I.C.R. 753, C.A. **Decision of the Court of Appeal affirmed** [1991] I.C.R. 208

Barclays Bank Plc. v. Kapur [1991] I.C.R. 208; [1991] 2 A.C. 355; [1991] 2 W.L.R. 401; [1991] 1 All E.R. 646; H.L.(E.). **Distinguished,** *Sougrin v. Haringey Health Authority* [1991] I.C.R. 791; [1992] I.C.R. 650

Barclays Bank Plc. v. O'Brien [1993] I.C.R. 347. **Decision of the Employment Appeal Tribunal affirmed** [1994] I.C.R. 865

Barley v. Rolls Royce (1971) Ltd. [1984] I.C.R. 688, C.A. **Distinguished,** *Whitfield v. H. & R. Johnstone Tiles Ltd.* [1991] I.C.R. 109

Barlow v. Whittle (trading as Micro Management) [1990] I.C.R. 270, 277–278, E.A.T. **Applied,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1990] I.C.R. 364
Dicta not applied, *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331

Barrell Enterprises, *In re* [1973] 1 W.L.R. 19; [1972] 3 All E.R. 631, C.A. **Considered,** *Lamont v. Fry's Metals Ltd.* [1983] I.C.R. 778

Barrett v. Ministry of Defence [1995] 1 W.L.R. 1217; [1995] 3 All E.R. 87, C.A. **Distinguished,** *Jebson v. Ministry of Defence* [2000] I.C.R. 1220

Barry v. Midland Bank Plc. [1997] I.C.R. 192, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1999] I.C.R. 319

Bass Leisure Ltd. v. Thomas [1994] I.R.L.R. 104, E.A.T. **Approved,** *High Table Ltd. v. Horst* [1998] I.C.R. 409

Bass Taverns Ltd. v. Burgess [1995] I.R.L.R. 596, C.A. **Considered,** *Goodwin v. Cabletel U.K. Ltd.* [1998] I.C.R. 112

Bastick v. James Lane (Turf Accountants) Ltd. [1979] I.C.R. 778, E.A.T. **Applied,** *Medallion Holidays Ltd. v. Birch* [1985] I.C.R. 578

Bath v. British Transport Commission [1954] 1 W.L.R. 1013, 1015; [1954] 2 All E.R. 542, C.A. **Dictum of Somervell L.J. considered,** *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695

Baxter, In the goods of [1903] P. 12. **Distinguished,** *Baird v. Baird* [1990] I.C.R. 525

Baynton v. Saurus General Engineering Ltd. [2000] I.C.R. 375, E.A.T. **Followed,** *H.J. Heinz Co. Ltd. v. Kenrick* [2000] I.C.R. 491

Beal v. Beecham Group Ltd. [1982] I.C.R. 460; [1982] 1 W.L.R. 1005; [1982] 3 All E.R. 280, C.A. **Applied,** *Ashley v. Ministry of Defence* [1984] I.C.R. 298 **Considered,** *British Bakeries (Northern) Ltd. v. Adlington* [1989] I.C.R. 438

Becker v. Finanzamt Münster-Innenstadt (Case 8/81) [1982] E.C.R. 53, E.C.J. **Applied,** *Marshall v. Southampton and South West Hampshire Area Health Authority (Teaching)* (Case 152/84) [1986] I.C.R. 335: *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R. 722

Bell v. Lever Brothers Ltd. [1932] A.C. 161, H.L.(E.). **Applied,** *Bank of Credit and Commerce International S.A. v. Ali* [1999] I.C.R. 1068
Distinguished, *Sybron Corpn. v. Rochem Ltd.* [1983] I.C.R. 801
Considered, *University of Nottingham v. Fishel* [2000] I.C.R. 1462

Bell-Booth Group Ltd. v. Attorney-General [1989] 3 N.Z.L.R. 148. **Distinguished,** *Spring v. Guardian Assurance Plc.* [1994] I.C.R. 596

Bennett v. Bennett [1952] 1 K.B. 249, 261; [1952] 1 All E.R. 413, C.A. **Dictum of Denning L.J. applied,** *Marshall v. N.M. Financial Management Ltd.* [1997] I.C.R. 1065

Bentley Engineering Co. Ltd. v. Mistry [1979] I.C.R. 47, E.A.T. **Applied,** *Louies v. Coventry Hood & Seating Co. Ltd.* [1990] I.C.R. 54

Berg v. Besselsen (Case 144/87) [1990] I.C.R. 396; [1988] E.C.R. 2559, E.C.J. **Distinguished,** *Allan v. Stirling District Council* [1994] I.C.R. 434

Berriman v. Delabole Slate Ltd. [1984] I.C.R. 636, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1985] I.C.R. 546

Berriman v. Delabole Slate Ltd. [1984] I.C.R. 636, E.A.T. **Applied,** *Bullard v. Marchant* [1986] I.C.R. 389; *Crawford v. Swinton Insurance Brokers Ltd.* [1990] I.C.R. 85

Bessenden Properties Ltd. v. Corness [1977] (Note) I.C.R. 821, 823, C.A. **Applied,** *Jowett v. Earl of Bradford (No. 2)* [1978] I.C.R. 431: *Fyfe v. Scientific Furnishings Ltd.* [1989] I.C.R. 648
Considered, *Grundy (Teddington) Ltd. v. Willis* [1976] I.C.R. 323
Dictum of Roskill L.J. considered, *Scottish & Newcastle Breweries Plc. v. Halliday* [1986] I.C.R. 577

Beswick v. Beswick [1968] A.C. 58, 72, 73, 77, 95: [1967] 3 W.L.R. 932: [1967] 2 All E.R. 1197, H.L.(E.). **Dicta applied,** *Rowley, Holmes & Co. v. Barber* [1977] I.C.R. 387
Dicta of Lord Reid applied, *Associated Newspapers Ltd. v. Wilson* [1995] I.C.R. 406

Betts v. Brintel Helicopters Ltd. [1996] I.R.L.R. 45. **Decision of Scott Baker J. reversed** [1997] I.C.R. 792

Betts v. Brintel Helicopters Ltd. [1997] I.C.R. 792: [1997] 2 All E.R. 840, C.A. **Explained,** *ECM (Vehicle Delivery Service) Ltd. v. Cox* [1998] I.C.R. 631
Considered, *ECM Vehicle Delivery Service Ltd. v. Cox* [1999] I.C.R. 1162; *RCO Support Services Ltd. v. UNISON* [2000] I.C.R. 1502

Bhandari v. Advocates Committee [1956] 1 W.L.R. 1442, [1956] 3 All E.R. 742, P.C. **Considered,** *R. v. Hampshire County Council, Ex parte Ellerton* [1985] I.C.R. 317

Bhatt v. Chelsea and Westminster Healthcare N.H.S. Trust [1998] I.C.R. 576, E.A.T. **Considered,** *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 587

Biggs v. Somerset County Council [1995] I.C.R. 811. E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 364

Biggs v. Somerset County Council [1995] I.C.R. 811. E.A.T. **Followed,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644

Biggs v. Somerset County Council [1996] I.C.R. 364, 377–378: [1996] 2 All E.R. 734, C.A. **Dicta of Neill L.J. approved,** *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899
Applied, *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991; *Alabaster v. Woolwich Plc.* [2000] I.C.R. 1037
Distinguished, *Director of Public Prosecutions v. Marshall* [1998] I.C.R. 518

Bilka-Kaufhaus G.m.b.H. v. Weber von Hartz (Case 170/84) [1987] I.C.R. 110; [1986] E.C.R. 1607. E.C.J. **Applied,** *Rainey v. Greater Glasgow Health Board* [1987] I.C.R. 129; *Handels-og Kontorfunkionærenes Forbund i Danmark v. Dansk Arbejdsgiverforening* (Case 109/88) [1991] I.C.R. 74: *Reg. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1994] I.C.R. 317: *Vroege v. NCIV Instituut voor Volkshuisvesting B.V.* (Case C-57/93) [1995] I.C.R. 635
Considered, *Chisholm v. Kirklees Metropolitan Borough Council* [1993] I.C.R. 826: *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179

Binions v. Evans [1972] Ch. 359, 366; [1972] 2 W.L.R. 729; [1972] 2 All E.R. 70, C.A. **Dictum of Lord Denning M.R. applied,** *Ivory v. Palmer* [1975] I.C.R. 340

Birch v. University of Liverpool [1985] I.C.R. 470, C.A. **Applied,** *Scott v. Coalite Fuels & Chemicals Ltd.* [1988] I.C.R. 355

Birkett v. James [1978] A.C. 297; [1977] 3 W.L.R. 38; [1977] 2 All E.R. 801, H.L.(E.). **Applied,** *Evans v. Comr. of Police of the Metropolis* [1993] I.C.R. 151

Black Bolt and Nut Association's Agreement, *In re* (1960) L.R. 2 R.P. 50, 102; [1960] 1 W.L.R. 884; [1960] 3 All E.R. 122, R.P.Ct. (E. & W.) **Dicta applied,** *In re Cement Makers' Federation Agreement (No. 2)* [1974] I.C.R. 445

Blankenship v. Boyle (1971) 329 F.Supp. 1089. **Considered,** *Cowan v. Scargill* [1984] I.C.R. 646

Blue Star Ship Management Ltd. v. Williams [1978] I.C.R. 770, E.A.T. **Applied,** *Leyland Vehicles Ltd. v. Jones* [1981] I.C.R. 428

Bodha (Vishnudut) v. Hampshire Area Health Authority [1982] I.C.R. 200, E.A.T. **Considered,** *Palmer v. Southend-on-Sea Borough Council* [1984] I.C.R. 372

Bold v. Brough, Nicholson & Hall Ltd. [1964] 1 W.L.R. 201; [1963] 3 All E.R. 849. **Applied,** *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63

Bolton Roadways Ltd. v. Edwards [1987] I.R.L.R. 392, 396, E.A.T. **Dictum of Scott J. applied,** *Manifold Industries Ltd. v. Sims* [1991] I.C.R. 504

Bonnard v. Perryman [1891] 2 Ch. 269, C.A. **Considered,** *Hubbard v. Pitt* [1975] I.C.R. 308

Borden (U.K.) Ltd. v. Potter [1986] I.C.R. 647, E.A.T. **Considered,** *Wileman v. Minilec Engineering Ltd.* [1988] I.C.R. 318

Bork (P.) International A/S v. Foreningen af Arbejdsledere i Danmark (Case 101/87) [1988] E.C.R. 3057; [1989] I.R.L.R. 41, E.C.J. **Applied,** *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341: *Wilson v. St. Helens Borough Council* [1998] I.C.R. 387: *Jules Dethier Équipement S.A. v. Dassy* (Case C-319/94) [1998] I.C.R. 541

Borrie Clarke v. Chief Adjudication Officer (Case 384/85) [1987] E.C.R. 2865, E.C.J. **Followed,** *Johnson v. Chief Adjudication Officer* (Case C-31/90) [1993] I.C.R. 204

Boston Deep Sea Fishing and Ice Co. v. Ansell (1888) 39 Ch.D. 339, C.A. **Followed,** *London Transport Executive v. Clarke* [1981] I.C.R. 355
Distinguished, *W. Devis & Sons Ltd. v. Atkins* [1976] I.C.R. 196

Botzen v. Rotterdamische Droogdok Maatschappij B.V. (Case 186/83) [1985] E.C.R. 519, E.C.J. **Considered,** *Buchanan-Smith v. Schleicher & Co. International Ltd.* [1996] I.C.R. 613

Bovey v. Board of Governors of the Hospital for Sick Children [1978] I.C.R. 934, E.A.T. **Considered,** *British Telecommunications Plc. v. Roberts* [1996] I.C.R. 625

Bowes v. Sedgefield District Council [1981] I.C.R. 234, C.A. **Applied,** *Larner v. British Steel Plc.* [1993] I.C.R. 551
Considered, *Johnston v. Caddies Wainwright Ltd.* [1983] I.C.R. 407

Brace v. Calder [1895] 2 Q.B. 253, C.A. **Applied,** *Briggs v. Oates* [1990] I.C.R. 473

Bradburn v. Great Western Railway Co. (1874) L.R. 10 Ex. 1: 31 L.T. 464. **Applied,** *Smoker v. London Fire and Civil Defence Authority* [1991] I.C.R. 449

Bradford City Metropolitan Council v. Arora [1989] I.C.R. 719, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1991] I.C.R. 226

Bradford Corpn. v. Myers [1916] 1 A.C. 242, H.L.(E.). **Applied,** *Hampson v. Department of Education and Science* [1989] I.C.R. 179

Bradley v. Eagle Star Insurance Co. Ltd. [1988] 2 Lloyd's Rep. 233, C.A. **Decision of the Court of Appeal affirmed** [1989] I.C.R. 301

Bradley v. Edward Ryde & Sons [1979] I.C.R. 488, E.A.T. **Applied,** *Sulemany v. Habib Bank Ltd.* [1983] I.C.R. 60

Bragg v. Oceanus Mutual Underwriting Association (Bermuda) Ltd. [1982] 2 Lloyd's Rep. 132, C.A. **Dictum of Stephenson L.J. doubted,** *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485

Brasserie de Haecht (S.A.) v. Wilkin-Jannsen (Case 48/72) [1973] I.C.R. 77, E.C.J. **Considered,** *Passmore v. Morland Plc.* [1999] I.C.R. 913

Brasserie du Pêcheur S.A. v. Federal Republic of Germany (Cases C-46/93 and C-48/93) [1996] Q.B. 404; [1996] 2 W.L.R. 506; [1996] All E.R.(E.C.) 301; [1996] E.C.R. 1-1029, E.C.J. **Applied,** *R. v. Secretary of State for Social Security, Ex parte Sutton* (Case C-66/95) [1997] I.C.R. 961

Brassington v. Cauldon Wholesale Ltd. [1978] I.C.R. 405, E.A.T. **Followed,** *Cleveland Ambulance N.H.S. Trust v. Blane* [1997] I.C.R. 851

Brauer & Co. (Great Britain) Ltd. v. James Clark (Brush Materials) Ltd. [1952] 2 All E.R. 497, C.A. **Applied,** *B. & S. Contracts and Design Ltd. v. Victor Green Publications Ltd.* [1982] I.C.R. 654

Bray v. Palmer [1953] 1 W.L.R. 1455: [1953] 2 All E.R. 1449, C.A. **Applied,** *Morris v. London Iron and Steel Co. Ltd.* [1986] I.C.R. 629
Considered, *Morris v. London Iron and Steel Co. Ltd.* [1987] I.C.R. 855

Bremer Vulkan Schiffbau und Maschinenfabrik v. South India Shipping Corpn. Ltd. [1981] A.C. 909; [1981] 2 W.L.R. 141; [1981] 1 All E.R. 289, H.L.(E.). **Applied,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Brennan v. J. H. Dewhurst Ltd. [1984] I.C.R. 52, E.A.T. **Applied,** *Nagarajan v. London Regional Transport* [1999] I.C.R. 877

Briggs v. Oates [1990] I.C.R. 473; [1991] 1 All E.R. 407. **Explained,** *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938

Briscoe v. Briscoe [1968] P. 501; [1966] 2 W.L.R. 205; [1966] 1 All E.R. 465, D.C. **Distinguished,** *Barnes v. B.P.C. (Business Forms) Ltd.* [1975] I.C.R. 390

Bristow v. City Petroleum Ltd. [1986] I.C.R. 59; [1985] 1 W.L.R. 1371; [1985] 3 All E.R. 463, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1988] I.C.R. 165

Bristow v. City Petroleum Ltd. [1986] I.C.R. 59; [1985] 1 W.L.R. 1371; [1985] 3 All E.R. 463, D.C. **Considered,** *Sealand Petroleum Co. Ltd. v. Barratt* [1986] I.C.R. 423

British Actors' Equity Association v. Goring [1977] I.C.R. 393, C.A. **Decision of the Court of Appeal reversed in part** [1978] I.C.R. 791

British Actors' Equity Association v. Goring [1978] I.C.R. 791. H.L.(E.). **Applied,** *Jacques v. Amalgamated Union of Engineering Workers (Engineering Section)* [1986] I.C.R. 683

British Airways Board v. Laker Airways Ltd. [1985] A.C. 58; [1984] 3 W.L.R. 413; [1984] 3 All E.R. 39, H.L.(E.). **Considered,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

British Anzani (Felixstowe) Ltd. v. International Marine Management (U.K.) Ltd. [1980] Q.B. 137; [1979] 3 W.L.R. 451: [1979] 2 All E.R. 1063. **Applied,** *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

British Bakeries (Northern) Ltd. v. Adlington [1988] I.C.R. 488, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 438

British Basic Slag Ltd. v. Registrar of Restrictive Trading Agreements (1963) L.R. 4 R.P. 116; [1963] 1 W.L.R. 727; [1963] 2 All E.R. 807, C.A. **Applied,** *Topliss Showers Ltd. v. Gessey & Son Ltd.* [1982] I.C.R. 501: *In re Royal Institution of Chartered Surveyors' Application* [1985] I.C.R. 330; [1986] I.C.R. 550

Considered, *In re Supply at Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25

Distinguished, *Fisher v. Director General of Fair Trading* [1982] I.C.R. 71

British Broadcasting Corpn. v. Hearn [1977] I.C.R. 685; [1977] 1 W.L.R. 1004; [1978] 1 All E.R. 111, C.A. **Applied,** *Beaverbrook Newspapers Ltd. v. Keys* [1978] I.C.R. 582; *Universe Tankships Inc. of Monrovia v. International Transport Workers Federation* [1981] I.C.R. 129: *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74: *Barber v. Thames Television Plc.* [1992] I.C.R. 661

Considered, *Universe Tankships Inc. of Monrovia v. International Transport Workers Federation* [1982] I.C.R. 262

British Broadcasting Corpn. v. Ioannou [1974] I.C.R. 414, N.I.R.C. **Decision of the National Industrial Relations Court affirmed** [1975] I.C.R. 267

British Broadcasting Corpn. v. Ioannou [1975] I.C.R. 267, 272; [1975] Q.B. 781; [1975] 3 W.L.R. 63; [1975] 2 All E.R. 999, C.A. **Dictum of Lord Denning M.R. followed,** *Housing Services Agency v. Cragg* [1997] I.C.R. 1050

Dicta of Lord Denning M.R. applied, *Open University v. Triesman* [1978] I.C.R. 524: *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 1

Considered, *Bhatt v. Chelsea and Westminster Healthcare N.H.S. Trust* [1998] I.C.R. 576

Explained, *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 587

Overruled in part, *Dixon v. British Broadcasting Corpn.* [1979] I.C.R. 281

Distinguished, *Dixon v. British Broadcasting Corpn.* [1978] I.C.R. 357: *Wiltshire County Council v. National Association of Teachers in Further and Higher Education* [1978] I.C.R. 968

British Broadcasting Corpn. v. Kelly-Phillips [1998] I.C.R. 1, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 587

British Coal Corpn. v. Cheesbrough [1988] I.C.R. 769. **Decision of the Court of Appeal affirmed** [1990] I.C.R. 317

British Coal Corpn. v. Smith [1993] I.C.R. 529, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1994] I.C.R. 810

British Coal Corpn. v. Smith [1994] I.C.R. 810, C.A. **Decision of the Court of Appeal reversed in part** [1996] I.C.R. 515

British Concrete Pipe Association's Agreement, *In re* [1981] I.C.R. 421, R.P.Ct. (E. & W.). **Decision of the Restrictive Practices Court affirmed** [1983] I.C.R. 215

British Home Stores v. Burchell (Note) [1980] I.C.R. 303, 304, E.A.T. **Applied,** *Louies v. Coventry Hood & Seating Co. Ltd.* [1990] I.C.R. 54; *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263

Dictum of Arnold J. applied, *Foley v. Post Office* [2000] I.C.R. 1283

Considered, *Royal Society for the Protection of Birds v. Croucher* [1984] I.C.R. 604: *Pritchett v. J. McIntyre Ltd.* [1987] I.C.R. 359: *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113: *Boys and Girls Welfare Society v. Macdonald* [1997] I.C.R. 693

British Iron and Steel Federation and National Federation of Scrap Iron, Steel and Metal Merchants' Agreement, *In re* (1964) L.R. 4 R.P. 299, R.P.Ct. (E. & W.). **Applied,** *Cement Makers' Federation Agreement (No. 2)* [1974] I.C.R. 445

Considered, *W. & J. Wass Ltd. v. Binns* [1982] I.C.R. 486: *Yate Foundry Ltd. v. Walters* [1984] I.C.R. 445: *Royal Society for the Prevention of Cruelty to Animals v. Cruden* [1986] I.C.R. 205; *Pritchett v. J. McIntyre Ltd.* [1987] I.C.R. 359

Overruled, *Polkey v. A. E. Dayton Services Ltd.* [1988] I.C.R. 142

British Leyland (U.K.) Ltd. v. Ashraf [1978] I.C.R. 979, E.A.T. **Applied,** *Igbo v. Johnson, Matthey Chemicals Ltd.* [1986] I.C.R. 82

Overruled, *Igbo v. Johnson, Matthey Chemicals Ltd.* [1986] I.C.R. 505

Distinguished, *Tracey v. Zest Equipment Co. Ltd.* [1982] I.C.R. 481

British Leyland U.K. Ltd. v. Swift [1981] I.R.L.R. 91, C.A. **Applied,** *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263

British Library v. Palyza [1984] I.C.R. 504, E.A.T. **Considered,** *Medallion Holidays Ltd. v. Birch* [1985] I.C.R. 578 **Not followed,** *Adams v. West Sussex County Council* [1990] I.C.R. 546

British Midland Airways Ltd. v. Lewis [1978] I.C.R. 782, E.A.T. **Considered,** *Marshall (Cambridge) Ltd. v. Hamblin* [1994] I.C.R. 362: *Leicester University Students' Union v. Mahomed* [1995] I.C.R. 270

British Newspaper Printing Corpn. (North) Ltd. v. Kelly [1989] I.R.L.R. 222, C.A. **Followed,** *Housing Corpn. v. Bryant* [1999] I.C.R. 123
Doubted, *Harvey v. Part of Tilbury (London) Ltd.* [1999] I.C.R. 1030

British Railways Board v. Natarajan [1979] I.C.R. 326; [1979] 2 All E.R. 794. E.A.T. **Considered,** *British Library v. Palyza* [1984] I.C.R. 504

British Railways Board v. Paul [1988] I.R.L.R. 20 E.A.T. **Not followed,** *Etherson v. Strathclyde Regional Council* [1992] I.C.R. 579

British Telecommunications Plc. v. Burwell [1986] I.C.R.35, E.A.T. **Disapproved,** *Royal Ordnance Plc. v. Pilkington* [1989] I.C.R. 737

British Transport Commission v. Gourley [1956] A.C. 185, 210, 212: [1956] 2 W.L.R. 41: [1955] 3 All E.R. 796, H.L.(E.). **Applied,** *Scottish Co-operative Wholesale Society Ltd. v. Lloyd* [1973] I.C.R. 137: *Dews v. National Coal Board* [1987] I.C.R. 602
Dicta of Lord Reid and Lord Goddard applied, *Shove v. Downs Surgical Plc.* [1984] I.C.R. 532

British United Trawlers (Grimsby) Ltd. v. Carr [1977] I.C.R. 622, E.A.T. **Considered,** *Ford Motor Co. Ltd. v. Hudson* [1978] I.C.R. 482

Bromley v. H. & J. Quick Ltd. [1988] I.C.R. 47, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1988] I.C.R. 623

Bromsgrove Casting and Machining Ltd. v. Martin [1977] I.C.R. 417, E.A.T. **Distinguished,** *Bullock v. Merseyside County Council* [1978] I.C.R. 419

Brook Lane Finance Co. Ltd. v. Bradley [1988] I.C.R. 423, E.A.T. **Not followed,** *Macer v. Abafast Ltd.* [1990] I.C.R. 234

Brooks v. British Telecommunications Plc. [1991] I.C.R. 286, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 414

Brooks v. British Telecommunications Plc. [1992] I.C.R. 414, 430, 432, C.A. **Dicta of Butler-Sloss L.J. and Sir Christopher Slade followed,** *Bratko v. Beloit Walmsley Ltd.* [1996] I.C.R. 76 **Applied,** *Barclays Bank Plc. v. O'Brien* [1993] I.C.R. 347

Broome v. Cassell & Co. Ltd. [1972] A.C. 1027; [1972] 2 W.L.R. 645; [1972] 1 All E.R. 801, H.L.(E.). **Applied,** *Alexander v. Home Office* [1988] I.C.R. 685: *Bradford City Metropolitan Council v. Arora* [1989] I.C.R. 719; [1991] I.C.R. 226

Brown v. Allied Ironfounders Ltd. [1974] 1 W.L.R. 527; [1974] 2 All E.R. 135. H.L.(Sc.) **Applied,** *Bailey v. Rolls Royee (1971) Ltd.* [1984] I.C.R. 688

Brown v. National Coal Board [1962] A.C. 574; [1962] 2 W.L.R. 269; [1962] 1 All E.R. 81, H.L.(E.): **Considered,** *Thompson v. National Coal Board* [1982] I.C.R. 15

Brown v. Stuart Scott & Co. [1981] I.C.R. 166, E.A.T. **Considered,** *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626

Brydon v. Stewart (1855) 2 Macq. 30, 36, H.L.(Sc.). **Dictum of Lord Cranworth L.C. applied,** *Compton v. McClure* [1975] I.C.R. 378

Buchan v. Secretary of State for Employment [1997] I.R.L.R. 80, E.A.T. **Not followed,** *Secretary of State for Trade and Industry v. Bottrill* [1998] I.C.R. 564; [1999] I.C.R. 592; *Smith v. Secretary of State for Trade and Industry* [2000] I.C.R. 69

Bucknell v. Bucknell [1969] 1 W.L.R. 1204; [1969] 2 All E.R. 998. **Applied,** *Eckman v. Midland Bank Ltd.* [1973] I.C.R. 71

Budgen & Co. v. Thomas [1976] I.C.R. 344, E.A.T. **Doubted,** *Parker v. Clifford Dunn Ltd.* [1979] I.C.R. 463

Bullard v. Marchant [1986] I.C.R. 389, E.A.T. **Disapproved,** *Secretary of State for Employment v. Spence* [1986] I.C.R. 651

Bullock v. Alice Ottley Schol [1991] I.C.R. 838, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1993] I.C.R. 138

Bullock v. Merseyside County Council [1978] I.C.R. 419, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1979] I.C.R. 79

Bullock v. Merseyside County Council [1979] I.C.R. 79, C.A. **Overruled,** *Suffolk County Council v. Secretary of State for the Environment* [1984] I.C.R. 882
Distinguished, *Lake v. Essex County Council* [1979] I.C.R. 577

Bulman & Dickson v. Fenwick & Co. [1948] 1 Q.B. 179, C.A. **Distinguished,** *B. & S. Contracts and Design Ltd. v. Victor Green Publications Ltd.* [1984] I.C.R. 419

urton v. British Railways Board (Case 19/81) [1982] I.C.R. 329; [1982] Q.B. 1080; [1982] 3 W.L.R. 387; [1982] 3 All E.R. 537; [1982] E.C.R. 555, E.C.J. **Applied,** *Roberts v. Tate & Lyle Industries Ltd.* (Case 151/84) [1986] I.C.R. 371

Considered, *Marshall v. Southampton and South West Hampshire Area Health Authority (Teaching)* (Case 152/84) [1986] I.C.R. 335

Doubted, *Mediguard Services Ltd. v. Thame* [1994] I.C.R. 751

Distinguished, *Bilka-Kaufhaus G.m.b.H. v. Weber von Hartz* (Case 170/84) [1987] I.C.R. 110

urton v. De Vere Hotels Ltd. [1997] I.C.R. 1, E.A.T. **Followed,** *Pearce v. Governing Body of Mayfield Secondary School* [2000] I.C.R. 920

Considered, *Chessington World of Adventures Ltd. v. Reed* [1998] I.C.R. 97

urton, Allton & Johnson Ltd. v. Peck [1975] I.C.R. 193. **Distinguished,** *Birch v. University of Liverpool* [1985] I.C.R. 470

uttle v. Saunders [1950] 2 All E.R. 193. **Considered,** *Cowan v. Scargill* [1984] I.C.R. 646

yrne v. Birmingham City District Council [1987] I.C.R. 519, C.A. **Applied,** *Letheby & Christopher Ltd. v. Bond* [1988] I.C.R. 480

yrne v. Kinematograph Renters Society Ltd. [1958] 1 W.L.R. 762; [1958] 2 All E.R. 579. **Applied,** *Khanum v. Mid-Glamorgan Area Health Authority* [1979] I.C.R. 40

EGB v. Coleman [1973] I.C.R. 230, N.I.R.C. **Considered,** *Post Office v. Crouch* [1973] I.C.R. 366

abaj v. Westminster City Council [1994] I.R.L.R. 530, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1996] I.C.R. 960

abaj v. Westminster City Council [1994] I.R.L.R. 530, E.A.T. **Followed,** *Blundell v. Christie Hospital National Health Service Trust* [1996] I.C.R. 347

alder v. James Finlay Corpn. Ltd. (Note) [1989] I.C.R. 157, E.A.T.(Sc.). **Approved,** *Barclays Bank Plc. v. Kapur* [1991] I.C.R. 208

Distinguished, *Barclays Bank Plc. v. Kapur* [1989] I.C.R. 142, 753; *Sougrin v. Haringey Health Authority* [1991] I.C.R. 791; [1992] I.C.R. 650

alder v. Rowntree Mackintosh Confectionery Ltd. [1992] I.C.R. 372, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1993] I.C.R. 811

alder v. Rowntree Macintosh Confectionery Ltd. [1002] I.C.R. 372, E.A.T. **Followed,** *Yorkshire Blood Transfusion Service v. Plaskitt* [1994] I.C.R. 74

alveley v. Chief Constable of the Merseyside Police [1989] A.C. 1228; [1989] 2 W.L.R. 624; [1989] 1 All E.R. 1025, H.L.(E.). **Applied,** *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073

Distinguished, *Waters v. Comr. of Police of the Metropolis* [2000] I.C.R. 1064

ampbell v. Strangeways (1877) 3 C.P.D. 105. **Applied,** *Heath v. J. F. Longman (Meat Salesmen) Ltd.* [1973] I.C.R. 407

ampbell v. Tameside Metropolitan Borough Council [1982] Q.B. 1065, 1075 1076; [1982] 3 W.L.R. 74; [1982] 2 All E.R. 791, C.A. **Dictum of Ackner L.J. applied,** *Halford v. Sharples* [1992] I.C.R. 146

ampion v. Hamworthy Engineering Ltd. [1987] I.C.R. 966, C.A. **Applied,** *Foley v. Post Office* [2000] I.C.R. 1283

anadian Pacific Railway Co. v. Lockhart [1942] A.C. 591; [1942] 2 All E.R. 464, P.C. **Applied,** *Harrison v. Michelin Tyre Co. Ltd.* [1985] I.C.R. 696: *Smith v. Stages* [1988] I.C.R. 201

anning v. Niaz [1983] I.R.L.R. 431, E.A.T. **Not followed,** *Gorictree Ltd. v. Jenkinson* [1985] I.C.R. 51

annon v. Barnsley Metropolitan Borough Council [1992] I.C.R. 698, E.A.T. **Considered,** *Rankin v. British Coal Corpn.* [1995] I.C.R. 774

Distinguished, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799

aparo Industries Plc. v. Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358; [1990] 1 All E.R. 568, H.L.(E.). **Considered,** *Spring v. Guardian Assurance Plc.* [1994] I.C.R. 596

apper Pass Ltd. v. Lawton [1977] I.C.R. 83; [1977] Q.B.852; [1977] 2 W.L.R. 26; [1977] 2 All E.R. 11, E.A.T. **Applied,** *Electrolux Ltd. v. Hutchinson* [1977] I.C.R. 252

arlson v. Post Office [1981] I.C.R. 343, E.A.T. **Approved,** *National Coal Board v. Ridgway* [1987] I.C.R. 641

armichael v. Rosehall Engineering Works Ltd., 1984 S.L.T. 40. **Considered,** *R.M.C. Roadstone Products Ltd. v. Jester* [1994] I.C.R. 456

arr v. Alexander Russell Ltd. (Note) [1979] I.C.R. 469. **Followed,** *Parker v. Clifford Dunn Ltd.* [1979] I.C.R. 463

Carrington v. Therm-A-Stor Ltd. [1982] I.C.R. 8 E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1983] I.C.R. 208

Casagrande v. Landeshaupstadt Munich (Case 9/74) [1974] 2 C.M.L.R. 423, E.C.J. **Applied,** *MacMahon v. Department of Education and Science* [1983] I.C.R. 67

Cassidy v. Ministry of Health [1951] 2 K.B. 343, 352; [1951] 1 All E.R. 574, C.A. **Dictum of Somervell L.J. applied,** *Callinor v. Taylor* [1972] I.C.R. 129

Casson v. University of Aston in Birmingham [1983] 1 All E.R. 88. **Considered,** *Thomas v. University of Bradford* [1987] I.C.R. 245

Cast v. Croydon College [1998] I.C.R. 77. E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 500

Castanho v. Brown & Root (U.K.) Ltd. [1981] A.C. 557; [1980] 3 W.L.R. 991; [1981] 1 All E.R. 143, H.L.(E.). **Considered,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Cawthorn & Sinclair Ltd. v. Hedger [1974] I.C.R. 146, N.I.R.C. **Applied,** *Hill v. Sabco Houseware (U.K.) Ltd.* [1977] I.C.R. 888

Caxton Publishing Co. Ltd. v. Sutherland Publishing Co. [1939] A.C. 178; [1938] 4 All E.R. 389, H.L.(E.). **Considered,** *Howard E. Perry & Co. Ltd. v. British Railways Board* [1980] I.C.R. 743

Cayne v. Global Natural Resources Plc. [1984] 1 All E.R. 225. C.A. **Considered,** *Dairy Crest Ltd. v. Pigott* [1989] I.C.R. 92

Cement Makers' Federation Agreement. *In re* (1961) L.R. 2 R.P. 241, 287; [1961] 1 W.L.R. 581; [1961] 2 All E.R. 75, R.P.Ct.(E. & W.). **Dicta applied,** *In re Cement Makers' Federation Agreement (No. 2)* [1974] I.C.R. 445

Cement Makers' Federation Agreement (No. 2). *In re* [1974] I.C.R. 445; [1974] 2 All E.R. 219, R.P.Ct. (E. & W.). **Applied,** *In re Net Book Agreement 1957 (No. 3)* [1998] I.C.R. 741; *In re Net Book Agreement 1957 (No. 4)* [1998] I.C.R. 753

Century Insurance Co. Ltd. v. Northern Ireland Road Transport Board [1942] A.C. 509; [1942] 1 All E.R. 491, H.L.(N.I.). **Applied,** *Harrison v. Michelin Tyre Co. Ltd.* [1985] I.C.R. 696

Chakki v. United Yeast Co. Ltd. [1982] I.C.R. 140; [1982] 2 All E.R. 446, E.A.T. **Applied,** *F. C. Shepherd & Co. Ltd. v. Jerrom* [1985] I.C.R. 552
Considered, *Norris v. Southampton City Council* [1982] I.C.R. 177

Chandler v. Director of Public Prosecutions [1964] A.C. 763; [1962] 3 W.L.R. 694; [1962] 3 All E.R. 142, H.L.(E.). **Applied,** *Council of Civil Service Unions v. Minister for the Civil Service* [1985] I.C.R. 14

Chaplin v. H. J. Rawlinson Ltd. [1991] I.C.R. 553, 563, E.A.T. **Dictum of Wood J. considered,** *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349

Chapman v. Goonvean and Rostowrack China Clay Co. Ltd. [1973] I.C.R. 50; [1972] 1 W.L.R. 1634; [1973] 1 All E.R. 218, N.I.R.C. **Decision of the National Industrial Relations Court affirmed** [1973] I.C.R. 310

Chapman v. Goonvean and Rostowrack China Clay Co. Ltd. [1973] I.C.R. 50; [1972] 1 W.L.R. 1634; [1973] 1 All E.R. 218, N.I.R.C. **Followed,** *Dewar & Finlay Ltd. v. Glazier* [1973] I.C.R. 572
Applied, *Amos v. Max-Arc Ltd.* [1973] I.C.R. 46

Chapman v. Goonvean and Rostowrack China Clay Co. Ltd. [1973] I.C.R. 310; [1973] 1 W.L.R. 678; [1973] 3 All E.R. 1063, C.A. **Considered,** *O'Hare v. Rotaprint Ltd.* [1980] I.C.R. 94

Chapman v. Letheby & Christopher Ltd. [1981] I.R.L.R. 440, E.A.T. **Considered,** *Drage v. Governing Body of Greenford High School* [2000] I.C.R. 899

Chapman v. Simon [1994] I.R.L.R. 124, C.A. **Distinguished,** *Eltek (UK) Ltd. v. Thomson* [2000] I.C.R. 689

Chappell v. Times Newspapers Ltd. [1975] I.C.R. 145; [1975] 1 W.L.R. 482; [1975] 2 All E.R. 233, Megarry J. and C.A. **Considered,** *Irani v. Southampton and South West Hampshire Health Authority* [1985] I.C.R. 590

Chattopadhyay v. Headmaster of Holloway School [1982] I.C.R. 132, 137, E.A.T. **Followed,** *Commissioner of Police of the Metropolis v. Locker* [1993] I.C.R. 440
Dicta of Browne-Wilkinson J. approved, *Baker v. Cornwall County Council* [1990] I.C.R. 452
Considered, *West Midlands Passenger Transport Executive v. Singh* [1987] I.C.R. 837; [1988] I.C.R. 614
Dicta of Browne-Wilkinson J. not applied, *Glasgow City Council v. Zafar* [1998] I.C.R. 120

Cheall v. Association of Professional Executive Clerical and Computer Staff [1982] I.C.R. 231. **Decision of Bingham J. reversed** [1982] I.C.R. 543

heall v. Association of Professional Executive Clerical and Computer Staff [1982] I.C.R. 543; [1983] Q.B. 126; [1982] 3 W.L.R. 685; [1982] 3 All E.R. 855, C.A. **Decision of the Court of Appeal reversed** [1983] I.C.R. 398

herry v. International Alloys Ltd. [1961] 1 Q.B. 136; [1960] 3 W.L.R. 568; [1960] 3 All E.R. 264, C.A. **Considered,** *Mirza v. Ford Motor Co. Ltd.* [1981] I.C.R. 757

heshire (Thomas) and Co. v. Vaughan Brothers and Co. [1920] 3 K.B. 240, C.A. **Considered,** *A. R. Dennis & Co. Ltd. v. Campbell* [1978] I.C.R. 862
Distinguished, *A. R. Dennis & Co. Ltd. v. Campbell* [1976] I.C.R. 465

hief Adjudication Officer v. Faulds, 1998 S.L.T. 1203, Ct. of Sess. **Decision of the Extra Division of the Inner House of the Court of Session reversed** [2000] I.C.R. 1297

hurch v. West Lancashire N.H.S. Trust [1998] I.C.R. 423, E.A.T. **Considered,** *Shawkat v. Nottingham City Hospital N.H.S. Trust* [1999] I.C.R. 780

hurchill v. A. Yeates & Sons Ltd. [1983] I.C.R. 380, E.A.T. **Followed,** *Marley (U.K.) Ltd. v. Anderson* [1994] I.C.R. 295
Applied, *Machine Tool Industry Research Association v. Simpson* [1988] I.C.R. 558
Distinguished, *Marley (U.K.) Ltd. v. Anderson* [1996] I.C.R. 728

hurchman v. Joint Shop Stewards' Committee [1972] I.C.R. 222; [1972] 1 W.L.R. 1094, C.A. **Distinguished,** *Midland Cold Storage Ltd. v. Turner* [1972] I.C.R. 230

innamond v. British Airports Authority [1980] 1 W.L.R. 582; [1980] 2 All E.R. 368, C.A. **Applied,** *British Airports Authority v. Ashton* [1983] I.C.R. 696

ity of London Corpn. v. Bovis Construction Ltd. (1988) 86 L.G.R. 660, C.A. **Applied,** *Chisholm v. Kirklees Metropolitan Borough Council* [1993] I.C.R. 826

laisse v. Keydril Ltd. [1978] I.C.R. 812, E.A.T. **Not approved,** *Todd v. British Midland Airways Ltd.* [1978] I.C.R. 959

lark v. Novacold Ltd. [1998] I.C.R. 1044, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1999] I.C.R. 951

lark v. Novacold Ltd. [1999] I.C.R. 951; [1999] 2 All E.R. 977, C.A. **Applied,** *Baynton v. Saurus General Engineers Ltd.* [2000] I.C.R. 375

lark v. Secretary of State for Employment [1995] I.C.R. 673, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 64

larke v. Rotax Aircraft Equipment Ltd. [1975] I.C.R. 440, 446; [1975] 1 W.L.R. 1570; [1975] 3 All E.R. 794, C.A. **Dicta of Orr L.J. applied,** *Moeliker v. A. Reyrolle & Co. Ltd.* [1976] I.C.R. 253

larke Chapman-John Thompson Ltd. v. Walters [1972] I.C.R. 83; [1972] 1 W.L.R. 378; [1972] 1 All E.R. 614, N.I.R.C. **Applied,** *McGorry v. Earls Court Stand Fitting Co. Ltd.* [1973] I.C.R. 100

larks of Hove Ltd. v. Bakers' Union [1977] I.C.R. 838; [1978] 1 W.L.R. 563; [1978] 2 All E.R. 15, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1978] I.C.R. 1076

larks of Hove Ltd. v. Bakers' Union [1978] I.C.R. 1076; [1978] 1 W.L.R. 1207; [1979] 1 All E.R. 152, C.A. **Applied,** *In re Hartlebury Printers Ltd.* [1992] I.C.R. 559

lay Cross (Quarry Services) Ltd. v. Fletcher [1977] I.C.R. 868, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 1

lay Cross (Quarry Services) Ltd. v. Fletcher [1979] I.C.R. 1, 5, 9; [1978] 1 W.L.R. 1429; [1979] 1 All E.R. 474, C.A. **Dictum of Lord Denning M.R. followed,** *Ministry of Defence v. Farthing* [1980] I.C.R. 705
Applied, *Handley v. H. Mono Ltd.* [1979] I.C.R. 147
Dicta of Lord Denning M.R. and Lawton L.J. not applied, *Rainey v. Greater Glasgow Health Board* [1987] I.C.R. 129
Distinguished, *Albion Shipping Agency v. Arnold* [1982] I.C.R. 22

layton (Herbert) and Jack Waller Ltd. v. Oliver [1930] A.C. 209, H.L.(E.). **Considered,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606

lement-Clarke International Ltd. v. Manley [1979] I.C.R. 74, E.A.T. **Followed,** *Derwent Coachworks v. Kirby* [1995] I.C.R. 48
Considered, *Ministry of Defence v. Wheeler* [1998] I.C.R. 242
Not followed, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237

oates v. Modern Methods & Materials Ltd. [1982] I.C.R. 763; [1983] Q.B. 192; [1982] 3 W.L.R. 764; [1982] 3 All E.R. 946, C.A. **Followed,** *Naylor v. Orton & Smith Ltd.* [1983] I.C.R. 665
Applied, *McKenzie v. Crosville Motor Services Ltd.* [1990] I.C.R. 172

Cocking v. Sandhurst (Stationers) Ltd. [1974] I.C.R. 650, N.I.R.C. **Applied,** *Sheringham Development Co. Ltd. v. Browne* [1977] I.C.R. 20; *Watts v. Seven Kings Motor Co. Ltd.* [1983] I.C.R. 135; *Linbourne v. Constable* [1993] I.C.R. 698
Considered, *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328; *Harvey v. Port of Tilbury (London) Ltd.* [1999] I.C.R. 1030

Cocks v. Thanet District Council [1983] 2 A.C. 286; [1982] 3 W.L.R. 1121; [1982] 3 All E.R. 1135, H.L.(E.). **Distinguished,** *Doyle v. Northumbria Probation Committee* [1992] I.C.R. 121

Coen v. Belgian State (Case C-246/95) [1997] E.C.R. I-403, E.C.J. **Considered,** *Maidment v. Commission of the European Communities* [1999] I.C.R. 577

Cohen v. Kittell (1889) 22 Q.B.D. 680, D.C. **Distinguished,** *A. R. Dennis & Co. Ltd.v. Campbell* [1976] I.C.R. 465

Coleman v. Magnet Joinery Ltd. [1974] I.C.R. 25, N.I.R.C. **Decision of the National Industrial Relations Court affirmed** [1975] I.C.R. 46

Coleman v. Magnet Joinery Ltd. [1974] I.C.R. 25, N.I.R.C. **Applied,** *Bateman v. British Leyland U.K. Ltd.* [1974] I.C.R. 403

Collier v. Hicks (1831) 2 B. & Ad. 663, 668, 672. **Dicta of Lord Tenterden C.J. and Parke J. applied,** *Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 637

Coltman v. Bibby Tankers Ltd. [1987] I.C.R. 619; [1987] 2 W.L.R. 1098; [1987] 1 All E.R. 932, C.A. **Decision of the Court of Appeal reversed** [1988] I.C.R. 67

Coltman v. Bibby Tankers Ltd. [1988] I.C.R. 67; [1988] A.C. 276; [1987] 3 W.L.R. 1181; [1987] 3 All E.R. 1068, H.L.(E.). **Applied,** *Knowles v. Liverpool City Council* [1994] I.C.R. 243
Considered, *Knowles v. Liverpool City Council* [1993] I.C.R. 21

Coltness Iron Co. Ltd. v. Sharp [1938] A.C. 90, 94; [1937] 3 All E.R. 593, H.L.(Sc.). **Dictum of Lord Atkin considered,** *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695

Commission for Racial Equality v. Amari Plastics Ltd. [1981] I.C.R. 767; [1982] Q.B. 265; [1981] 3 W.L.R. 511, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 304

Commission of the European Communities v. United Kingdom (Case C-383/92) [1994] I.C.R. 664; [1994] E.C.R. I-2479, E.C.J. **Considered,** *U.K. Waste Control Ltd. v. Wren* [1995] I.C.R. 974; *R. v. Secretary of State for Tradeand Industry. Ex parte UNISON* [1996] I.C.R. 1003; *Secretary of State for Employment v. Mann* [1996] I.C.R. 197; [1997] I.C.R. 209

Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 61/81) [1982] I.C.R. 578, E.C.J. **Considered,** *Pickstone v. Freemans Plc.* [1988] I.C.R. 697

Compagnie Tunisienne de Navigation S.A. v. Compagnie d'Armement Maritime S.A. [1971] A.C. 572; [1970] 3 W.L.R. 389; [1970] 3 All E.R. 71, H.L.(E.). **Applied,** *Monterroso Shipping Co. Ltd. v. International Transport Workers Federation* [1982] I.C.R. 675

Compania Merabella San Nicholas S.A., *In re* [1973] Ch. 75; [1972] 3 W.L.R. 471; [1972] 3 All E.R. 448. **Considered,** *In re Eloc Electro-Optieck and Communicatie B.V.* [1981] I.C.R. 732

Company, *In re* A [1980] Ch. 138; [1980] 2 W.L.R. 241; [1980] 1 All E.R. 284, C.A. **Explained,** *R. v. Boal* [1992] I.C.R. 495

Compton v. McClure [1975] I.C.R. 378. **Applied,** *Coult v. Szuba* [1982] I.C.R. 380

Congreso del Partido, I [1981] 3 W.L.R. 328; [1981] 2 All E.R. 1064, H.L.(E.). **Applied,** *Sengupta v. Republic of India* [1983] I.C.R. 221

Connelly v. New Hampshire Insurance Co., 1997 S.L.T. 1341. **Distinguished,** *Chief Adjudication Officer v. Faulds* [2000] I.C.R. 1297

Conoco (U.K.) Ltd. v. Neal [1989] I.C.R. 114, E.A.T. **Overruled,** *O'Laoire v. Jackel International Ltd.* [1990] I.C.R. 197

Constantine (Joseph) Steamship Line Ltd. v. Imperial Smelting Corpn. Ltd. [1942] A.C. 154; [1941] 2 All E.R. 165, H.L.(E.). **Considered,** *F. C. Shephered & Co. Ltd. v. Jerrom* [1986] I.C.R. 802

Construction Industry Training Board v. Labour Force Ltd. [1970] 3 All E.R. 220, D.C. **Applied,** *B.S.M. (1257) Ltd. v. Secretary of State for Social Services* [1978] I.C.R. 894

Conway v. George Wimpey & Co. Ltd. (No. 2) [1951] 2 K.B. 266; [1951] 1 All E.R. 363, C.A. **Distinguished,** *Rose v. Plenty* [1975] I.C.R. 430

Conway v. Rimmer [1968] A.C. 910; [1968] 2 W.L.R. 998; [1968] 1 All E.R. 874, H.L.(E.). **Applied,** *Balfour v. Foreign and Commonwealth Office* [1993] I.C.R. 663; [1994] I.C.R. 277

nway v. Wade [1909] A.C. 506, 510, 512, 522, H.L.(E.). **Applied,** *Express Newspapers Ltd. v. McShane* [1979] I.C.R. 210
Dicta of Lord Loreburn L.C. and Lord Shaw of Dunfermline applied, *British Broadcasting Corpn. v. Hearn* [1977] I.C.R. 685
Dicta of Lord Loreburn L.C. considered, *Sherard v. AUEW* [1973] I.C.R. 421

ok v. National Coal Board [1961] 1 W.L.R. 1192; [1961] 3 All E.R. 220, C.A. **Applied,** *Jennings v. National Coal Board* [1983] I.C.R. 636

ok (James W.) & Co. (Wivenhoe) Ltd. v. Tipper [1990] I.C.R. 558, C.A. **Considered,** *Marley (U.K.) Ltd. v. Anderson* [1994] I.C.R. 295

oner v. P. S. Doal & Sons [1998] I.C.R. 495, E.A.T. **Considered,** *W.A. Armstrong & Sons Ltd. v. Borrill* [2000] I.C.R. 367

open v. Moore (No. 2) [1898] 2 Q.B. 306, C.A. **Considered,** *In re Supply of Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25

oper v. British Steel Corpn. [1975] I.C.R. 454. **Applied,** *Trend v. Chiltern Hunt Ltd.* [1977] I.C.R. 612
Considered, *Varndell v. Kearney & Trecker Marwin Ltd.* [1983] I.C.R. 683

ral Leisure Group Ltd. v. Barnett [1981] I.C.R. 503, E.A.T. **Applied,** *Hewcastle Catering Ltd. v. Ahmed* [1992] I.C.R. 626 **Considered,** *Wilkinson v. Lug* [1990] I.C.R. 599

ral Squash Clubs Ltd. v. Matthews [1979] I.C.R. 607, E.A.T. **Followed,** *Hackney London Borough Council v. Usher* [1997] I.C.R. 705

rby v. Morrison [1980] I.C.R. 564, E.A.T. **Considered,** *Newland v. Simons & Miller (Hairdressers) Ltd.* [1981] I.C.R. 521

rt (Robert) & Son Ltd. v. Charman [1981] I.C.R. 816, E.A.T. **Applied,** *Belling & Lee Ltd. v. Burford* [1982] I.C.R. 454
Considered, *West v. Kneels Ltd.* [1987] I.C.R. 146

ry Lighterage Ltd. v. TGWU [1973] I.C.R. 197. **Decision of Brightman J. reversed; order affirmed** [1973] I.C.R. 339

ry Lighterage Ltd. v. TGWU [1973] I.C.R. 339; [1973] 1 W.L.R. 792; [1973] 2 All E.R. 558, C.A. **Considered,** *Coleman v. Magnet Joinery Ltd.* [1974] I.C.R. 25: *Langston v. AUEW* [1974] I.C.R. 180

sta v. Ente Nazionale Energia Elettrica (Case 6/64) [1964] E.C.R. 585, E.C.J. **Applied,** *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R. 722

ttrell v. Vianda Steamship Co. Ltd. [1955] 2 Lloyd's Rep. 450. **Distinguished,** *Smith v. British Aerospace* [1982] I.C.R. 98

ulson v. City of London Polytechnic [1976] I.C.R. 433; [1976] 1 W.L.R. 834; [1976] 3 All E.R. 234, E.A.T. **Applied,** *I.P.C. Business Press Ltd. v. Gray* [1977] I.C.R. 858; *Wynne v. Hair Control* [1978] I.C.R. 870

uncil of Civil Service Unions v. Minister for the Civil Service [1985] I.C.R. 14, 29, 35, 37, 39; [1985] A.C. 374; [1984] 3 W.L.R. 1174; [1984] 3 All E.R. 935, H.L.(E.). **Dictum of Lord Diplock applied,** *R. v. National Coal Board, Ex parte National Union of Mineworkers* [1986] I.C.R. 791: *R. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1993] I.C.R. 251
Dicta of Lord Fraser of Tullybelton and Lord Diplock applied, *Balfour v. Foreign and Commonwealth Office* [1994] I.C.R. 277
Dicta of Lord Diplock considered, *Reg. v. Derbyshire County Council, Ex parte Noble* [1990] I.C.R. 808

uncil of Engineering Institutes v. Maddison [1977] I.C.R. 30, E.A.T. **Considered,** *Naqvi v. Stephens Jewellers Ltd.* [1978] I.C.R. 631

urage Group's Pension Schemes, *In re* [1987] 1 W.L.R. 495; [1987] 1 All E.R. 528. **Considered,** *National Grid Co. Plc. v. Mayes* [2000] I.C.R. 174; *Edge v. Pensions Ombudsman* [2000] I.C.R. 748

urage Ltd. v. Crehan [1989] 2 E.G.L.R. 145, C.A. **Distinguished,** *Plummer v. Tibsco Ltd.* [2000] I.C.R. 509

urage Take Home Trade Ltd. v. Keys [1986] I.C.R. 874, E.A.T. **Distinguished,** *Soros v. Davison* [1994] I.C.R. 590

Courtaulds Northern Spinning Ltd. v. Moosa [1984] I.C.R. 218, E.A.T. **Approved,** *Tracey v. Crosville Wales Ltd.* [1996] I.C.R. 237 [1997] I.C.R. 862
Considered, *Whelan v. Richardson* [1998] I.C.R. 318
Distinguished, *Fentiman v. Fluid Engineering Products Ltd.* [1991] I.C.R. 570
Not followed, *TNT Express Ltd. v. Downes* [1994] I.C.R. 1

Courtaulds Northern Spinning Ltd. v. Sibson [1987] I.C.R. 329, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1988] I.C.R. 451

Cowen v. Haden Ltd. [1983] I.C.R. 1, E.A.T. and C.A. **Considered,** *Lamont v. Fry's Metals Ltd.* [1985] I.C.R. 566: *Church v. West Lancashire NationalHealth Service Trust* [1998] I.C.R. 423

Cowley v. Manson Timber Ltd. [1994] I.C.R. 252, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1995] I.C.R. 367

Cowley v. Manson Timber Ltd. [1995] I.C.R. 367, C.A. **Applied,** *Constantine v. McGregor Cory Ltd.* [2000] I.C.R. 938

Cox v. Camden London Borough Council [1996] I.C.R. 815, E.A.T. **Not followed,** *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237

Cox v. E.L.G. Metals Ltd. [1984] I.C.R. 1, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1985] I.C.R. 310

Cox v. Philips Industries Ltd. [1976] I.C.R. 138; [1976] 1 W.L.R. 638; [1976] 3 All E.R. 161. **Distinguished,** *Shove v. Downs Surgical Plc.* [1984] I.C.R. 532

Crank v. Her Majesty's Stationery Office [1985] I.C.R. 1, E.A.T. **Followed,** *Lambert v. Croydon College* [1999] I.C.R. 409

CREEDNZ Inc. v. Governor-General [1981] 1 N.Z.L.R. 172, 182. **Dictum of Cooke J. applied,** *R. v. Hillingdon Health Authority, Ex parte Goodwin* [1984] I.C.R. 800

Crees v. Royal London Mutual Insurance Society Ltd. [1997] I.R.L.R. 85, C.A. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 848

Cresswell v. Board of Inland Revenue [1984] I.C.R. 508, 522; [1984] 2 All E.R. 713. **Dicta of Walton J. applied,** *Cantor Fitzgerald International v. Callagham* [1999] I.C.R. 639

Cristini v. Société Nationale des Chemins de Fer Francais (Case 32/75) [1975] 2 E.C.R. 1085, E.C.J. **Applied,** *MacMahon v. Department of Education and Science* [1983] I.C.R. 67

Crompton (Alfred) Amusement Machines Ltd. v. Customs and Excise Comrs. (No. 2) [1972] 2 Q.B. 102; [1972] 2 W.L.R. 835; [1972] 2 All E.R. 353, C.A. **Considered,** *M. & W. Grazebrook Ltd. v. Wallens* [1973] I.C.R. 256

Crown Agents for Overseas Governments and Administration v. Lawal [1979] I.C.R. 103, 109, E.A.T. **Dictum of Kilner Brown J. disapproved,** *Palmer v. Southend-on-Sea Borough Council* [1984] I.C.R. 372
Dictum of Kilner Brown J. not followed, *Bodha (Vishnudut) v. Hampshire Area Health Authority* [1982] I.C.R. 200

Crown Suppliers (Property Services Agency) v. Dawkins [1991] I.C.R. 583, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1993] I.C.R. 517

Curran v. Treleaven [1891] 2 Q.B. 560. **Considered,** *R. v. Jones (John)* [1974] I.C.R. 310

Currie v. Inland Revenue Comrs. [1921] 2 K.B. 332, C.A. **Applied,** *O'Kelly v. Trusthouse Forte Plc.* [1983] I.C.R. 728

Curry v. Harlow District Council [1979] I.C.R. 769, E.A.T. **Applied,** *Leyland Vehicles Ltd. v. Jones* [1981] I.C.R. 428

Curwen v. James [1963] 1 W.L.R. 748; [1963] 2 All E.R. 619, C.A. **Applied,** *Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 637

Customs and Excise Comrs. v. British Railways Board [1975] I.C.R. 448; [1975] 1 W.L.R. 1431; [1975] 3 All E.R. 451, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1977] I.C.R. 100

Customs and Excise Comrs. v. Glassborow [1975] Q.B. 465; [1974] 2 W.L.R. 851; [1974] 1 All E.R. 1041, D.C. **Applied,** *Customs and Excise Comrs. v. British Railways Board* [1975] I.C.R. 448

D. v. M. [1996] I.R.L.R. 192. **Overruled,** *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938

D. v. National Society for the Prevention of Cruelty to Children [1978] A.C. 171; [1977] 2 W.L.R. 201; [1977] 1 All E.R. 589, H.L.(E.). **Applied,** *Science Research Council v. Nassé* [1978] I.C.R. 1124: *Leyland Cars Ltd. v. Vyas* [1978] I.C.R. 1124

M International Ltd. v. Nicholas [1996] I.C.R. 214, E.A.T. **Considered,** *Tsangacos v. Amalgamated Chemicals Ltd.* [1997] I.C.R. 154

& F. Estates Ltd. v. Church Comrs. for England [1989] A.C. 177; [1988] 3 W.L.R. 368; [1988] 2 All E.R. 992, H.L.(E.). **Considered,** *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

Costa v. Optolis [1976] I.R.L.R. 178, E.A.T. **Considered,** *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 662

kri (A.) & Co. Ltd. v. Tiffen [1981] I.C.R. 256, E.A.T. **Distinguished,** *G. W. Stephens & Son v. Fish* [1989] I.C.R. 324

llow Industrial Properties Ltd. v. Else [1967] 2 Q.B. 449; [1967] 2 W.L.R. 1352; [1967] 2 All E.R. 3 D.C. **Applied,** *Secretary of State for Employment v. Rooney* [1977] I.C.R. 440

lton v. Burton's Gold Medal Biscuits Ltd. [1974] I.R.L.R. 45, N.I.R.C. **Considered,** *Meridian Ltd. v. Gomersall* [1977] I.C.R. 597

ance v. Dorothy Perkins Ltd. [1978] I.C.R. 760, 764, E.A.T. **Dictum not followed,** *Thomas v. National Coal Board* [1987] I.C.R. 757

aniels v. R. White & Sons Ltd. [1938] 4 All E.R. 258. **Not followed,** *Hill v. James Crowe (Cases Ltd.* [1978] I.C.R. 298

anish Bacon Co. Ltd. Staff Pension Fund Trusts, *In re* [1971] 1 W.L.R. 248; [1971] 1 All E.R. 486. **Applied,** *Baird v. Baird* [1990] I.C.R. 525

anmarks Aktive Handelsrejsende v. Lønmodtagernes Garantifond (Mosbæk's Case) (Case C-117/96) [1998] I.C.R. 954; [1997] E.C.R. I-5017, E.C.J. **Distinguished,** *Everson v. Secretary of State for Trade and Industry* (Case C-198/98) [2000] I.C.R. 525

attani v. Trio Supermarkets Ltd. [1998] I.C.R. 872, C.A. **Distinguished,** *Kirklees Metropolitan Borough Council v. Farrell* [2000] I.C.R. 1335

avidson v. Pillay [1979] I.R.L.R. 275, E.A.T. **Considered,** *Corby v. Morrison* [1980] I.C.R. 564

avie v. New Merton Board Mills Ltd. [1959] A.C. 604; [1959] 2 W.L.R. 331; [1959] 1 All E.R. 346 H.L.(E.). **Applied,** *McDermid v. Nash Dredging & Reclamation Co. Ltd.* [1986] I.C.R. 525

avies v. Braithwaite [1931] 2 K.B. 628. **Considered,** *Hall v. Lorimer* [1994] I.C.R. 218

avies v. Presbyterian Church of Wales [1986] I.C.R. 280, 288-290; [1986] 1 W.L.R. 323; [1986] 1 All E.R. 705, H.L.(E.). **Applied,** *Santokh Singh v. Guru Nanak Gurdwara* [1990] I.C.R. 309; *Diocese of Southwark v. Coker* [1998] I.C.R. 140
Considered, *Coker v. Diocese of Southwark* [1995] I.C.R. 564
Dicta of Lord Templeman considered, *Diocese of Southwark v. Coker* [1996] I.C.R. 896

avies v. Taylor [1974] A.C. 207, 212, 220; [1972] 3 W.L.R. 801; [1972] 3 All E.R. 836, H.L.(E.). **Dicta of Lord Reid and Lord Simon of Glaisdale applied,** *Moeliker v. A. Reyrolle & Co. Ltd.* [1976] I.C.R. 253

avis Contractors Ltd. v. Fareham Urban District Council [1956] A.C. 696; [1956] 3 W.L.R. 37; [1956] 2 All E.R. 145, H.L.(E.). **Followed,** *Hebden v. Forsey & Son* [1973] I.C.R. 607
Applied, *Marshall v. Harland & Wolff Ltd.* [1972] I.C.R. 101; *Notcutt v. Universal Equipment Co. (London) Ltd.* [1986] I.C.R. 414

avis v. Johnson [1979] A.C. 264; [1978] 2 W.L.R. 553; [1978] 1 All E.R. 1132, H.L.(E.). **Considered,** *Pepper v. Hart* [1993] I.C.R. 291

avis (E. & J.) Transport Ltd. v. Chattaway [1972] I.C.R. 267, N.I.R.C. **Applied,** *Kennedy v. Werneth Ring Mills Ltd.* [1977] I.C.R. 206
Considered, *Sanders v. Ernest A. Neale Ltd.* [1974] I.C.R. 565

avy v. Spelthorne Borough Council [1984] A.C. 262; [1983] 3 W.L.R. 742; [1988] 3 All E.R. 278 H.L.(E.). **Applied,** *Doyle v. Northumbria Probation Committee* [1992] I.C.R. 121

awkins v. Antrobus (1881) 17 Ch.D. 615, C.A. **Applied,** *Hamlet v. General Municipal Boilermaker and Allied Trades Union* [1987] I.C.R. 150

ean v. Polytechnic of North London [1973] I.C.R. 490, 492, N.I.R.C. **Dictum of Sir John Donaldson applied,** *Terry v. East Sussex County Council* [1976] I.C.R. 536

ean v. Eastbourne Fishermen's and Boatmen's Protection Society and Club Ltd. [1977] I.C.R. 556 E.A.T. **Applied,** *Larkin v. Cambos Enterprises (Stretford) Ltd.* [1978] I.C.R. 1247

ean (Saif) v. Islamic Foundation [1983] I.C.R. 837, E.A.T. and C.A. **Considered,** *Medallion Holiday Ltd. v. Birch* [1985] I.C.R. 578

eane v. Ealing London Borough Council [1993] I.C.R. 329, E.A.T. **Considered,** *Prison Service v. Johnson* [1997] I.C.R. 275

Decro-Wall International S.A. v. Practitioners in Marketing Ltd. [1971] 1 W.L.R. 361, 369, 376; [1971] 2 All E.R. 216, C.A. **Applied,** *Harris and Russell Ltd. v. Slingsby* [1973] I.C.R. 454
Dicta of Salmon and Sachs L.JJ. applied, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755
Dicta of Salmon L.J. and Sachs L.J. doubted, *Sanders v. Ernest A. Neale Ltd.* [1974] I.C.R. 565

Dedman v. British Building & Engineering Appliances Ltd. [1973] I.C.R. 82, N.I.R.C. **Decision of the National Industrial Relations Court affirmed** [1974] I.C.R. 53

Dedman v. British Building & Engineering Appliances Ltd. [1974] I.C.R. 53; [1974] 1 W.L.R. 171; [1974] 1 All E.R. 520, C.A. **Followed,** *Riley v. Tesco Stores Ltd.* [1980] I.C.R. 323
Applied, *Harvey's Household Linens Ltd. v. Benson* [1974] I.C.R. 306; *Berkeley Garage (Southampton) Ltd. v. Edmunds* [1975] I.C.R. 228; *Ruff v. Smith* [1976] I.C.R. 118; *Burton v. Field Sons & Co. Ltd.* [1977] I.C.R. 106; *Union Cartage Co. Ltd. v. Blunden* [1977] I.C.R. 420; *Meridian Ltd. v. Gomersall* [1977] I.C.R. 597; *Porter v. Bandridge Ltd.* [1978] I.C.R. 943; *Walls Meat Co. Ltd. v. Khan* [1979] I.C.R. 52; *Nu-Swift International Ltd. v. Mallinson* [1979] I.C.R. 157; *Riley v. Tesco Stores Ltd.* [1979] I.C.R. 223; *Beanstalk Shelving Ltd. v. Horn* [1980] I.C.R. 273; *Robert Cort & Son Ltd. v. Charman* [1981] I.C.R. 816; *Palmer v. Southend-on-Sea Borough Council* [1984] I.C.R. 372
Considered, *Avon County Council v. Haywood-Hicks* [1978] I.C.R. 646

Defrenne v. Belgian State (Case 80/70) [1971] E.C.R. 445, E.C.J. **Applied,** *Secretary of State for Employment v. Levy* [1990] I.C.R. 18; *Griffin v. London Pensions Fund Authority* [1993] I.C.R. 564
Considered, *Moroni v. Collo G.m.b.H.* (Case C-110/91) [1995] I.C.R. 137

Defrenne v. Sabena (Case 43/75) [1976] I.C.R. 547; [1981] 1 All E.R. 122n, E.C.J. **Applied,** *Amies v. Inner London Education Authority* [1977] I.C.R. 308; *Charles Early & Marriott (Witney) Ltd. v. Smith* [1977] I.C.R. 700; *Pickstone v. Freemans Plc.* [1987] I.C.R. 867; *O'Brien v. Sim-Chem Ltd.* [1980] I.C.R. 429; *Smith v. Avdel Systems Ltd.* (Case C-408/92) [1995] I.C.R. 596; *Howard v. Ministry of Defence* [1995] I.C.R. 1074
Considered, *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179; *Rankin v. British Coal Corpn.* [1995] I.C.R. 774; *Scullard v. Knowles* [1996] I.C.R. 399; *Magorrian v. Eastern Health and Social Services Board* (Case C-246/96) [1998] I.C.R. 979

Dekker v. Stichting Vormingscentrum voor Jong Volwassenen (VJV-Centrum) Plus (Case 177/88) [1992] I.C.R. 325; [1990] E.C.R. I-3941, E.C.J. **Applied,** *Draehmpaehl v. Urania Immobilienservice o.h.G.* (Case C-180/95) [1998] I.C.R. 164
Considered, *Webb v. Emo Air Cargo (U.K.) Ltd.* [1992] I.C.R. 445; [1993] I.C.R. 175
Distinguished, *British Telecommunications Plc. v. Roberts* [1996] I.C.R. 625

Delaney v. Staples (trading as De Montfort Recruitment) [1990] I.C.R. 364, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1991] I.C.R. 331

Delaney v. Staples (trading as De Montfort Recruitment) [1991] I.C.R. 331; [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] 1 All E.R. 609, C.A. **Decision of the Court of Appeal affirmed** [1992] I.C.R. 483

Delaney v. Staples (trading as De Montfort Recruitment) [1990] I.C.R. 364, E.A.T. **Not followed,** *Kournavous v. J.R. Masterton & Sons (Demolition) Ltd.* [1990] I.C.R. 387; *Janstorp International (U.K.) Ltd. v. Allen* [1990] I.C.R. 779

Delaney v. Staples (trading as De Montfort Recruitment) [1992] I.C.R. 483, 488; [1992] 1 A.C. 687; [1992] 2 W.L.R. 451; [1992] 1 All E.R. 944, H.L.(E.). **Dicta of Lord Browne-Wilkinson applied,** *Abrahams v. Performing Right Society Ltd.* [1995] I.C.R. 1028
Considered, *Cerberus Software Ltd. v. Rowley* [2000] I.C.R. 35
Dicta of Lord Browne-Wilkinson considered, *Marshall (Cambridge) Ltd. v. Hamblin* [1994] I.C.R. 362

De Mars v. Gurr Johns & Angier Bird Ltd. [1973] I.C.R. 35, N.I.R.C. **Dictum of Sir Samuel Cooke not followed,** *Duke v. Prospect Training Services Ltd.* [1988] I.C.R. 521

Denham v. Midland Employers Mutual Assurance Ltd. [1955] 2 Q.B. 437; [1955] 3 W.L.R. 84; [1955] 2 All E.R. 561, C.A. **Considered,** *Cross v. Redpath Dorman Long (Contracting) Ltd.* [1978] I.C.R. 730

Denman v. Essex Area Health Authority [1984] Q.B. 735; [1984] 3 W.L.R. 73; [1984] 2 All E.R. 621. **Considered,** *Palfrey v. Greater London Council* [1985] I.C.R. 437

nmark Productions Ltd. v. Boscobel Productions Ltd. [1969] 1 Q.B. 699, 731, 737; [1968] 3 W.L.R. 841; [1968] 3 All E.R. 513, C.A. **Considered,** *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905
Dictum of Winn L.J. considered, *W.P.M. Retail Ltd. v. Lang* [1978] I.C.R. 787
Dictum of Harman L.J. not followed, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755

nnis (A. R.) & Co. Ltd. v. Campbell [1976] I.C.R. 465; [1977] Q.B. 158; [1976] 3 W.L.R. 501; [1977] 1 All E.R. 138. **Decision of Wien J. reversed** [1978] I.C.R. 862

partment of Health and Social Security v. Coy [1984] I.C.R. 309, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1984] I.C.R. 557

partment of Health and Social Security v. Randalls [1981] I.C.R. 100, E.A.T. **Considered,** *Howard v. Department for National Savings* [1981] I.C.R. 208

partment of Health and Social Security v. Wayte [1972] 1 W.L.R. 19; [1972] 1 All E.R. 255, C.A. **Considered,** *Department of Health and Social Security v. Evans* [1984] I.C.R. 317

partment of Transport v. Gallacher [1993] I.C.R. 654, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1994] I.C.R. 967

pledge v. Pye Telecommunications Ltd. [1982] I.C.R. 82, E.A.T. **Considered,** *Beal v. Beecham Group Ltd.* [1982] I.C.R. 460

ria v. General Council of British Shipping [1985] I.C.R. 847, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 172

Rosa v. John Barrie (Contractor) Ltd. [1973] I.C.R. 553. **Decision of the Second Division of the Court of Session reversed** [1974] I.C.R. 480

rrybaa Ltd. v. Castro-Blanco [1986] I.C.R. 546, E.A.T. **Followed,** *Immigration Advisory Service v. Oommen* [1997] I.C.R. 683

rwent Coachworks v. Kirby [1995] I.C.R. 48, E.A.T. **Followed,** *Ministry of Defence v. Bristow* [1996] I.C.R. 544
Considered, *Digital Equipment Co. Ltd. v. Clements* [1996] I.C.R. 829: *Ministry of Defence v. Wheeler* [1998] I.C.R. 242
Not followed, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237
Distinguished, *Ministry of Defence v. Hunt* [1996] I.C.R. 554; *Cox v. Camden London Borough Council* [1996] I.C.R. 815

vis (W.) & Sons Ltd. v. Atkins [1976] I.C.R. 196; [1976] 1 W.L.R. 393; [1976] 2 All E.R. 822. **Decision of Phillips J. affirmed** [1977] I.C.R. 377

vis (W.) & Sons Ltd. v. Atkins [1977] I.C.R. 377; [1977] 2 W.L.R. 70; [1977] 2 All E.R. 321, C.A. **Decision of the Court of Appeal affirmed** [1977] I.C.R. 662

vis (W.) & Sons Ltd. v. Atkins [1976] I.C.R. 196; [1976] 1 W.L.R. 393; [1976] 2 All E.R. 822. **Applied,** *Ferodo Ltd. v. Barnes* [1976] I.C.R. 439

vis (W.) & Sons Ltd. v. Atkins [1977] I.C.R. 662, 679A, 682 683; [1977] A.C. 931; [1977] 3 W.L.R. 214; [1977] 3 All E.R. 40. H.L.(E.) **Applied,** *Monie v. Coral Racing Ltd.* [1981] I.C.R. 109: *Union of Construction, Allied Trades and Technicians v. Brain* [1981] I.C.R. 542: *Polkey v. A. E. Dayton Services Ltd.* [1988] I.C.R. 142: *Vauxhall Motors Ltd. v. Ghafoor* [1993] I.C.R. 376: *Parkinson v. March Consulting Ltd.* [1998] I.C.R. 276
Dictum of Lord Simon of Glaisdale applied, *Smith v. Glasgow City District Council* [1987] I.C.R. 796
Dictum of Viscount Dilhorne applied, *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263
Considered, *Dobie v. Burns International Security Services (U.K.) Ltd.* [1984] I.C.R. 812; *W. & J. Wass Ltd. v. Binns* [1982] I.C.R. 486; *West Midlands Co-operative Society Ltd. v. Tipton* [1985] I.C.R. 444; *Greenall Whitley Plc. v. Carr* [1985] I.C.R. 451; *Soros v. Davison* [1994] I.C.R. 590
Distinguished, *West Midlands Co-operative Society Ltd. v. Tipton* [1986] I.C.R. 192: *Stacey v. Babcock Power Ltd.* [1986] I.C.R. 221; *Devonshire v. Trico-Folberth Ltd.* [1989] I.C.R. 747

vonald v. Rosser & Sons [1906] 2 K.B. 729, C.A. **Applied,** *Johnson v. Cross* [1977] I.C.R. 872

war & Finlay Ltd. v. Glazier [1973] I.C.R. 572, N.I.R.C. **Considered,** *Dedman v. British Building & Engineering Appliances Ltd.* [1974] I.C.R. 53

xine Rubber Co. Ltd. v. Alker [1977] I.C.R. 434, E.A.T. **Considered,** *Aberdeen Steak Houses Group Plc. v. Ibrahim* [1988] I.C.R. 550

xter v. Courtaulds Ltd. [1984] 1 W.L.R. 372; [1984] 1 All E.R. 70, C.A. **Distinguished,** *Ministry of Defence v. Cannock* [1994] I.C.R. 918

Deyong v. Shenburn [1946] K.B. 227; [1946] 1 All E.R. 226, C.A. **Applied,** *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

Dhatt v. McDonalds Hamburgers Ltd. [1988] I.C.R. 591, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] I.C.R. 238

Dietz v. Stichting Thuiszorg Rotterdam (Case C-435/93) [1996] E.C.R. 1-5223, E.C.J. **Considered,** *Magorrian v. Eastern Health and Social Services Board* (Case C-246/96) [1998] I.C.R. 979

Digital Equipment Co. Ltd. v. Clements [1996] I.C.R. 829, E.A.T. **Decision of the Employment Appeal Tribunal set aside** [1997] I.C.R. 237

Digital Equipment Co. Ltd. v. Clements [1996] I.C.R. 829, E.A.T. **Approved,** *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1998] I.C.R. 258
Considered, *Ministry of Defence v. Wheeler* [1998] I.C.R. 242

Digital Equipment Co. Ltd. v. Clements (No. 2) [1997] I.C.R. 237, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 258

Digital Equipment Co. Ltd. v. Clements (No. 2) [1997] I.C.R. 237, E.A.T. **Considered,** *Ministry of Defence v. Wheeler* [1998] I.C.R. 242

Dimbleby & Sons Ltd. v. National Union of Journalists [1984] I.C.R. 391; [1984] 1 W.L.R. 67; [1984] 1 All E.R. 117, C.A. **Decision of the Court of Appeal affirmed** [1984] I.C.R. 386

Dimskal Shipping Co. S.A. v. International Transport Workers Federation [1990] I.C.R. 694; [1990] 1 Lloyd's Rep. 319, C.A. **Decision of the Court of Appeal affirmed** [1992] I.C.R. 37

Dimskal Shipping Co. S.A. v. International Transport Workers Federation (No. 2) [1989] 1 Lloyd's Rep. 166. **Decision of Phipps J. reversed in part** [1990] I.C.R. 694

Dimtsu v. Westminster City Council [1991] I.R.L.R. 450, E.A.T. **Applied,** *Divine-Bortey v. Brent London Borough Council* [1998] I.C.R. 886

Dines v. Initial Healthcare Services Ltd. [1993] I.C.R. 978, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1995] I.C.R. 11

Dines v. Initial Healthcare Services Ltd. [1995] I.C.R. 11, C.A. **Distinguished,** *Betts v. Brintel Helicopters Ltd.* [1997] I.C.R. 792

Dingle v. Associated Newspapers Ltd. [1961] 2 Q.B. 162; [1961] 2 W.L.R. 523; [1961] 1 All E.R. 897, C.A. **Considered,** *Thompson v. Smiths Shiprepairers (North Shields) Ltd.* [1984] I.C.R. 236

Director General of Fair Trading v. Tobyward Ltd. [1989] 1 W.L.R. 517; [1989] 2 All E.R. 266. **Applied,** *In re Agreement between Members of the Institute of Independent Insurance Brokers* [1991] I.C.R. 822

Discount Tobacco & Confectionery Ltd. v. Armitage (Note) [1995] I.C.R. 431, E.A.T. **Considered,** *Associated Newspapers Ltd. v. Wilson* [1995] I.C.R. 406; *Speciality Care Plc. v. Pachela* [1996] I.C.R. 633

Divine-Bortey v. Brent London Borough Council [1978] I.CR. 886, C.A. **Distinguished,** *Eltek (UK) Ltd. v. Thomson* [2000] I.C.R. 689

Dixon v. British Broadcasting Corpn. [1978] I.C.R. 357; [1978] Q.B. 438; [1978] 2 W.L.R. 50; [1978] 2 All E.R. 465, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1979] I.C.R. 281

Dobie v. Burns International Security Services (U.K.) Ltd. [1983] I.C.R. 478, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1984] I.C.R. 813

Dobie v. Burns International Security Services (U.K.) Ltd. [1984] I.C.R. 812, 818; [1985] 1 W.L.R. 43; [1984] 3 All E.R. 333, C.A. **Applied,** *Hellyer Brothers Ltd. v. McLeod* [1986] I.C.R. 122
Dictum of Sir John Donaldson M.R. applied, *Neale v. Hereford and Worcester County Council* [1986] I.C.R. 471
Considered, *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526

Donnelly v. Feniger & Blackburn Ltd. [1973] I.C.R. 68, N.I.R.C. **Applied,** *Millington v. T. H. Goodwin & Sons Ltd.* [1975] I.C.R. 104

Donoghue v. Stevenson [1932] A.C. 562, H.L.(Sc.). **Applied,** *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7

Donovan v. Cammell Laird & Co. [1949] 2 All E.R. 82. **Considered,** *Smith v. British Aerospace* [1982] I.C.R. 98

Dooley v. Cammell Laird & Co. Ltd. [1951] 1 Lloyd's Rep. 271. **Distinguished,** *Hunter v. British Coal Corpn.* [1999] I.C.R. 72

Dowuona v. John Lewis Plc. [1986] I.C.R. 797, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1987] I.C.R. 788

Dowuona v. John Lewis Plc. [1987] I.C.R. 788, C.A. **Distinguished,** *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629

Drake v. Chief Adjudication Officer (Case 150/85) [1987] Q.B. 166; [1986] 3 W.L.R. 1005; [1986] 3 All E.R. 65; [1986] E.C.R. 1995, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471

Drake v. Morgan [1978] I.C.R. 56. **Applied,** *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

Duffy v. Yeomans & Partners Ltd. [1993] I.C.R. 862, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1995] I.C.R. 1

Dugdale v. Kraft Foods Ltd. [1976] I.C.R. 48; [1976] 1 W.L.R. 1288; [1977] 1 All E.R. 454, E.A.T. **Applied,** *Electrolux Ltd. v. Hutchinson* [1977] I.C.R. 252; *National Coal Board v. Sherwin* [1978] I.C.R. 700; *Hammington v. Berker Sportcraft Ltd.* [1980] I.C.R. 248

Duke v. Prospect Training Services Ltd. [1988] I.C.R. 521, E.A.T. **Applied,** *Martin v. British Railways Board* [1989] I.C.R. 24

Duke v. Reliance Systems Ltd. [1987] I.C.R. 491; [1988] Q.B. 108; [1987] 2 W.L.R. 1225; [1987] 2 All E.R. 858, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1988] I.C.R. 339

Duke v. Reliance Systems Ltd. [1988] I.C.R. 339; [1988] A.C. 618; [1988] 2 W.L.R. 359; [1988] 1 All E.R. 626, H.L.(E.) **Applied,** *Finnegan v. Clowney Youth Training Ltd.* [1990] I.C.R. 462
Considered, *Marshall v. South West Hampshire Health Authority (Teaching) (No. 2)* [1991] I.C.R. 136

Dunn v. British Coal Corpn. [1993] I.C.R. 591, C.A. **Considered,** *Hipwood v. Gloucester Health Authority* [1995] I.C.R. 999

Dunning (A.J.) & Sons (Shopfitters) Ltd. v. Jacomb [1973] I.C.R. 448, N.I.R.C. **Applied,** *Littlewoods Organisation Ltd. v. Egenti* [1976] I.C.R. 516

Duport Furniture Products Ltd. v. Moore [1979] I.C.R. 165, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 581

Duport Furniture Products Ltd. v. Moore [1980] I.C.R. 581, C.A. **Decision of the Court of Appeal affirmed** [1982] I.C.R. 84

Duport Furniture Products Ltd. v. Moore [1980] I.C.R. 581, C.A.; [1982] I.C.R. 84, H.L.(E.). **Considered,** *Slack v. Greenham (Plant Hire) Ltd.* [1983] I.C.R. 617

Duport Steels Ltd. v. Sirs [1980] I.C.R. 161, 177–178; [1980] 1 W.L.R. 142; [1980] 1 All E.R. 529, H.L.(E.). **Dicta of Lord Diplock applied,** *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74

d'Urso v. Ercole Marelli Elettromeccanica Generale S.p.A. (Case C-362/89) [1991] E.C.R. I-4105, E.C.J. **Considered,** *Jules Dethier Équipement S.A. v. Dassy* (Case C-319/94) [1998] I.C.R. 541

Dutton v. C.H. Bailey Ltd. (1968) 3 I.T.R. 355, D.C. **Overruled,** *Chapman v. Goonvean and Rostowrack China Clay Co. Ltd.* [1973] I.C.R. 310
Not followed, *Chapman v. Goonvean and Rostowrack China Clay Co. Ltd.* [1973] I.C.R. 50

ECM (Vehicle Delivery Service) Ltd. v. Cox [1998] I.C.R. 631, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1999] I.C.R. 1162

ECM (Vehicle Delivery Services) Ltd. v. Cox [1999] I.C.R. 1162; [1999] 4 All E.R. 669, C.A. **Applied,** *RCO Support Services Ltd. v. UNISON* [2000] I.C.R. 1502

Eagland v. British Telecommunications Plc. [1990] I.C.R. 248, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1993] I.C.R. 644

Ealing London Borough Council v. Race Relations Board [1972] A.C. 342, 353; [1972] 2 W.L.R. 71; [1972] 1 All E.R. 105, H.L.(E.). **Dictum of Lord Donovan applied,** *Secretary of State for Employment v. Wellworthy Ltd. (No. 2)* [1976] I.C.R. 13

Earl v. Slater & Wheeler (Airlyne) Ltd. [1972] I.C.R. 508; [1973] 1 W.L.R. 51; [1973] 1 All E.R. 145, N.I.R.C. **Approved,** *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 377
Applied, *St. Anne's Board Mill Co. Ltd. v. Brien* [1973] I.C.R. 444; *W. Devis & Sons Ltd. v. Atkins* [1976] I.C.R. 196
Considered, *Winterhalter Gastronom Ltd. v. Webb* [1973] I.C.R. 245; *Lowndes v. Specialist Heavy Engineering Ltd.* [1977] I.C.R. 1; *W. Devis & Sons Ltd.v. Atkins* [1977] I.C.R. 662
Dicta considered, *Trend v. Chiltern Hunt Ltd.* [1977] I.C.R. 612
Not followed, *Maris v. Rotherham Corpn.* [1974] I.C.R. 435
Distinguished, *Springbank Sand & Gravel Co. Ltd. v. Craig* [1974] I.C.R. 7

Early (Charles) & Marriott (Witney) Ltd. v. Smith [1977] I.C.R. 700, 711; [1978] Q.B. 11; [1977] 3 W.L.R. 189; [1977] 3 All E.R. 770, E.A.T. **Dictum of Phillips J. followed,** *Ministry of Defence v. Farthing* [1980] I.C.R.705
Applied, *Methven v. Cow Industrial Polymers Ltd.* [1979] I.C.R. 613

East Hertfordshire District Council v. Boyten [1977] I.R.L.R. 347, E.A.T. **Distinguished,** *Vauxhall Motors Ltd. v. Ghafoor* [1993] I.C.R. 376

East Lindsey District Council v. Daubney [1977] I.C.R. 566, E.A.T. **Applied,** *Williamson v. Alcan (U.K.) Ltd.* [1978] I.C.R. 104
Considered, *Mitchell v. Arkwood Plastics (Engineering) Ltd.* [1993] I.C.R. 471

Eaton Ltd. v. Nuttall [1977] I.C.R. 272; [1977] 1 W.L.R. 549; [1977] 3 All E.R. 1131, E.A.T. **Considered,** *de Brito v. Standard Chartered Bank Ltd.* [1978] I.C.R. 650; *Bromley v. H. & J. Quick Ltd.* [1988] I.C.R. 623

Ebac Ltd. v. Wymer [1995] I.C.R. 466, E.A.T. **Considered,** *Jones v. Governing Body of Burdett Coutts School* [1997] I.C.R. 390

Echternach v. Netherlands Minister for Education and Science (Cases 389 and 390/87) [1989] E.C.R. 723, 759–760, para. 14, E.C.J. **Considered,** *Vougioukas v. Idrima Koinonikon Asphalisseon* (Case C-443/93) [1996] I.C.R. 913

Eckman v. Midland Bank Ltd. [1973] I.C.R. 71; [1973] Q.B. 519; [1973] 2 W.L.R. 284; [1973] 1 All E.R. 609, N.I.R.C. **Applied,** *Messenger Newspaper Group Ltd. v. National Graphical Association (1982)* [1984] I.C.R. 345

Edge v. Pensions Ombudsman [1998] Ch. 512; [1998] 3 W.L.R. 466; [1998] 2 All E.R. 547. **Decision of Sir Richard Scott V.-C. affirmed** [2000] I.C.R. 748

Edmonds v. Lawson [2000] I.R.L.R. 18. **Decison of Sullivan J. reversed** [2000] I.C.R. 567

Edwards v. Baïrstow [1956] A.C. 14, 29, 36, 38; [1955] 3 W.L.R. 410; [1955] 3 All E.R. 48, H.L.(E.).
Applied, *Woods v. W.M. Car Services (Peterborough) Ltd.* [1982] I.C.R. 693; *O'Kelly v. Trusthouse Forte Plc.* [1983] I.C.R. 728; *Nethermere (St. Neots) Ltd. v. Gardiner* [1984] I.C.R. 612
Dictum of Lord Radcliffe applied, *Palmer v. Vauxhall Motors Ltd.* [1977] I.C.R. 24; *Midland Sinfonia Concert Society Ltd. v. Secretary of State for Social Services* [1981] I.C.R. 454
Considered, *Lee Ting Sang v. Chung Chi-Keung* [1990] I.C.R. 409
Dicta of Viscount Simonds and Lord Radcliffe considered, *General Electric Co. Ltd. v. Price Commission* [1974] I.C.R. 609

Edwards v. Clinch [1982] A.C. 845; [1981] 3 W.L.R. 707; [1981] 3 All E.R. 543, H.L.(E.). **Applied,** *McMenamin v. Diggles* [1991] I.C.R. 641

Edwards v. Halliwell [1950] 2 All E.R. 1064, C.A. **Applied,** *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

Edwards v. National Coal Board [1949] 1 K.B. 704; [1949] 1 All E.R. 743, C.A. **Applied,** *West Bromwich Building Society Ltd. v. Townsend* [1983] I.C.R. 257

Edwards v. SOGAT [1971] Ch. 354; [1970] 3 W.L.R. 713; [1970] 3 All E.R. 689, C.A. **Followed,** *Radford v. NATSOPA* [1972] I.C.R. 484

Edwards v. West Herts Group Hospital Management Committee [1957] 1 W.L.R. 415; [1957] 1 All E.R. 541, C.A. **Applied,** *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

Egg Stores (Stamford Hill) Ltd. v. Leibovici [1977] I.C.R. 260, E.A.T. **Applied,** *Hart v. A. R. Marshall & Sons (Bulwell) Ltd.* [1977] I.C.R. 539

Eke v. Peach (unreported), 21 November 1997, E.A.T. **Approved,** *Marks & Spencer Plc. v. Martins* [1998] I.C.R. 1005

Electrolux Ltd. v. Hutchinson [1977] I.C.R. 252, 254, E.A.T. **Dictum considered,** *Maidment v. Cooper & Co. (Birmingham) Ltd.* [1978] I.C.R. 1094

Eley v. Bedford [1972] 1 Q.B. 155, 158; [1971] 3 W.L.R. 563; [1971] 3 All E.R. 285. **Dictum of Mackenna J. not followed,** *Palfrey v. Greater London Council* [1985] I.C.R. 437

Elliott Turbomachinery Ltd. v. Bates [1981] I.C.R. 218, E.A.T. **Not followed,** *Church v. West Lancashire N.H.S. Trust* [1998] I.C.R. 423

Emmott v. Minister for Social Welfare (Case C-208/90) [1993] I.C.R. 8; [1991] E.C.R. I-4269, E.C.J. **Applied,** *Cannon v. Barnsley Metropolitan Borough Council* [1992] I.C.R. 698: *Ministry of Defence v. Cannock* [1994] I.C.R. 918
Considered, *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644
Explained, *Johnson v. Chief Adjudication Officer* (Case C-410/92) [1995] I.C.R. 375
Distinguished, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799: *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899

Enderby v. Frenchay Health Authority [1991] I.C.R. 382, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1994] I.C.R. 112

Enderby v. Frenchay Health Authority [1994] I.C.R. 112, C.A. **Distinguished,** *Yorkshire Blood Transfusion Service v. Plaskitt* [1994] I.C.R. 74

Enderby v. Frenchay Health Authority (Case C-127/92) [1994] I.C.R. 112; [1994] 1 All E.R. 495; [1993] E.C.R. I-5535, E.C.J. **Applied,** *British Coal Corpn. v. Smith* [1994] I.C.R. 810; *Specialarbejderforbundet i Danmark v. Dansk Industri* (Case C-400/93) [1996] I.C.R. 51
Distinguished, *Bhudi v. I.M.I. Refiners Ltd.* [1994] I.C.R. 307

Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service [1978] I.C.R. 875. **Decision of Oliver J. reversed** [1979] I.C.R. 637

Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service [1979] I.C.R. 637; [1979] 1 W.L.R. 1113; [1979] 3 All E.R. 223, C.A. **Decision of the Court of Appeal reversed** [1980] I.C.R. 215

England v. Bromley London Borough Council [1978] I.C.R. 1, E.A.T. **Applied,** *Arnold v. Beecham Group Ltd.* [1982] I.C.R. 744
Considered, *Bromley v. H. & J. Quick Ltd.* [1988] I.C.R. 623

Esso Petroleum Co. Ltd. v. Harper's Garage (Stourport) Ltd. [1968] A.C. 269, 297; [1967] 2 W.L.R. 871; [1967] 1 All E.R. 699, H.L.(E.) **Applied,** *In re Ravenseft Properties Ltd.'s Application* [1977] I.C.R. 136; *Watson v. Prager* [1991] I.C.R. 603; *Dawnay, Day & Co. Ltd. v. D'Alphen* [1998] I.C.R. 1068
Dicta of Lord Reid applied, *Boddington v. Lawton* [1994] I.C.R. 478

Estorffe v. Smith [1973] I.C.R. 542, N.I.R.C. **Distinguished,** *Flint v. Eastern Electricity Board* [1975] I.C.R. 395

Eurobell Holdings Plc. v. Barker [1998] I.C.R. 299, E.A.T. **Approved,** *Marks & Spencer Plc. v. Martins* [1998] I.C.R. 1005

Euro-Diam Ltd. v. Bathurst [1990] 1 Q.B. 1, 35–36; [1988] 2 W.L.R. 517; [1988] 2 All E.R. 23, C.A. **Applied,** *Hewcastle Catering Ltd. v. Ahmed* [1992] I.C.R. 626
Dicta of Kerr L.J. applied, *Salvesen v. Simons* [1994] I.C.R. 409

Evans v. Bartlam [1937] A.C. 473; [1937] 2 All E.R. 646, H.L.(E.). **Considered,** *Westward Circuits Ltd. v. Read* [1973] I.C.R. 301

Evans v. Sant [1975] Q.B. 626; [1975] 2 W.L.R. 95; [1975] 1 All E.R. 294, D.C. **Considered,** *Cox v. H. C. B. Angus Ltd.* [1981] I.C.R. 683

Evenden v. Guildford City Association Football Club Ltd. [1974] I.C.R. 554, N.I.R.C. **Decision of the National Industrial Relations Court reversed** [1975] I.C.R. 367

Evenden v. Guildford City Association Football Club Ltd. [1975] I.C.R. 367; [1975] Q.B. 917; [1975] 3 W.L.R. 251; [1975] 3 All E.R. 269, C.A. **Applied,** *Rastill v. Automatic Refreshment Services Ltd.* [1978] I.C.R. 289; *Secretary of State for Employment v. Globe Elastic Thread Co. Ltd.* [1978] I.C.R. 473, 1041
Overruled, *Secretary of State for Employment v. Globe Elastic Thread Co. Ltd.* [1979] I.C.R. 706

Express Newspapers Ltd. v. McShane [1979] I.C.R. 210; [1979] 1 W.L.R. 390; [1979] 2 All E.R. 360, C.A. **Decision of the Court of Appeal reversed** [1980] I.C.R. 42

Express Newspapers Ltd. v. McShane [1980] I.C.R. 42; [1980] 2 W.L.R. 89; [1980] 1 All E.R. 65, H.L.(E.). **Applied,** *Duport Steels Ltd. v. Sirs* [1980] I.C.R. 161

Express & Star Ltd. v. Bunday [1987] I.C.R. 58, E.A.T. **Decision of the Employment Appeal Tribunal reversed in part** [1988] I.C.R. 379

Faccenda Chicken Ltd. v. Fowler [1984] I.C.R. 589. **Order of Goulding J. affirmed** [1986] I.C.R. 297

Faccenda Chicken Ltd. v. Fowler [1986] I.C.R. 297; [1987] Ch. 117; [1986] 3 W.L.R. 288; [1986] 1 All E.R. 617, C.A. **Applied,** *A. T. Poeton (Gloucester Plating) Ltd. v. Horton* [2000] I.C.R. 1208

Fakes v. Taylor Woodrow Construction Ltd. [1973] Q.B. 436; [1973] 2 W.L.R. 161; [1973] 1 All E.R. 670, C.A. **Distinguished,** *Goodman v. Winchester & Alton Railway Plc.* [1984] I.C.R. 842

Faramus v. Film Artistes' Association [1964] A.C. 925; [1964] 2 W.L.R. 126; [1964] 1 All E.R. 25, H.L.(E.). **Applied,** *Rothwell v. Association of Professional Executive Clerical and Computer Staff* [1976] I.C.R. 211

Farelee Motors (Gosport) Ltd. v. Winter (1970) 6 I.T.R. 57, D.C. **Applied,** *West Yorkshire Metropolitan District Council v. Platts* [1978] I.C.R. 34

Farrell v. Alexander [1977] A.C. 59, 73; [1976] 3 W.L.R. 145; [1976] 2 All E.R. 721, H.L.(E.) **Dicta of Lord Wilberforce applied,** *Associated Newspapers Ltd. v. Wilson* [1995] I.C.R. 406

Farrell (formerly McLaughlin) v. Secretary of State for Defence [1980] 1 W.L.R. 172; [1980] 1 All E.R. 166, H.L.(N.I.). **Considered,** *Johnston v. Caddies Wainwright Ltd.* [1983] I.C.R. 407

Faulkner v. Chief Adjudication Officer [1994] P.I.Q.R. P244, C.A. **Applied,** *Chief Adjudication Officer v. Rhodes* [1999] I.C.R. 178

Fellowes & Son v. Fisher [1976] Q.B. 122; [1975] 3 W.L.R. 184; [1975] 2 All E.R. 829, C.A.
Considered, *Lawrence David Ltd. v. Ashton* [1989] I.C.R. 123

Fenton v. J. Thorley & Co. Ltd. [1903] A.C. 443, H.L.(E.). **Considered,** *Chief Adjudication Officer v. Faulds* [2000] I.C.R. 1297

Fenton v. Stablegold Ltd. [1986] I.C.R. 236, E.A.T. **Applied,** *Bullard v. Marchant* [1986] I.C.R. 389
Disapproved, *Secretary of State for Employment v. Spence* [1986] I.C.R. 651

Ferguson v. John Dawson & Partners (Contractors) Ltd. [1976] W.L.R. 1213; [1976] 3 All E.R. 817, C.A. **Applied,** *Tyne & Clyde Warehouses Ltd. v. Hamerton* [1978] I.C.R. 661
Distinguished, *Massey v. Crown Life Insurance Co.* [1978] I.C.R. 590; *Calder v. H. Kitson Vickers & Sons (Engineers) Ltd.* [1988] I.C.R. 232

Ferguson (L. L.) Ltd. v. O'Gorman [1937] I.R. 620. **Applied,** *Hunt v. Broome* [1973] I.C.R. 281; [1974] I.C.R. 84

Ferodo Ltd. v. Barnes [1976] I.C.R. 439, E.A.T. **Applied,** *Monie v. Coral Racing Ltd.* [1979] I.C.R. 254

Fielding (Harold) Ltd. v. Mansi [1974] I.C.R. 347; [1974] 1 All E.R. 1035, N.I.R.C. **Considered,** *Allen & Son v. Coventry* [1980] I.C.R. 9; *Jeetle v. Elster* [1985] I.C.R. 389

Finnie v. Top Hat Frozen Foods [1985] I.C.R. 433, E.A.T. **Applied,** *Addison v. Babcock F.A.T.A. Ltd.* [1987] I.C.R. 45
Disapproved, *Addison v. Babcock F.A.T.A. Ltd.* [1987] I.C.R. 805

Fisher v. Director General of Fair Trading [1982] I.C.R. 71, C.A. **Applied,** *In re Royal Institution of Chartered Surveyors' Application* [1985] I.C.R. 330; [1986] I.C.R. 550

Fisher v. York Trailer Co. Ltd. [1979] I.C.R. 834, 838, E.A.T. **Followed,** *H. Campey & Sons Ltd. v. Bellwood* [1987] I.C.R. 311
Applied, *Express & Star Ltd. v. Bunday* [1987] I.C.R. 58
Dictum of Slynn J. explained, *Rasool v. Hepworth Pipe Co. Ltd.* [1980] I.C.R. 494
Considered, *London Transport Executive v. Clarke* [1980] I.C.R. 532

Fisscher v. Voorhuis Hengelo B.V. (Case C-128/93) [1995] I.C.R. 635; [1994] E.C.R. I-4583, E.C.J. **Considered,** *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899

Fitzgerald v. Hall Russell & Co. Ltd. [1970] A.C. 984; [1969] 3 W.L.R. 868; [1969] 3 All E.R. 1140, H.L.(Sc.). **Applied,** *Bloomfield v. Springfield Hosiery Finishing Co. Ltd.* [1972] I.C.R. 91; *Kolatsis v. Rockware Glass Ltd.* [1974] I.C.R. 580; *Bentley Engineering Co. Ltd. v. Crown* [1976] I.C.R. 225; *Lloyds Bank Ltd. v. Secretary of State for Employment* [1979] I.C.R. 258; *Ford v. Warwickshire County Council* [1983] I.C.R. 273; *University of Aston in Birmingham v. Malik* [1984] I.C.R. 492; *Flack v. Kodak Ltd.* [1986] I.C.R. 775
Considered, *Clarke Chapman-John Thompson Ltd. v. Walters* [1972] I.C.R. 83; *de Rosa v. John Barrie (Contractor) Ltd.* [1974] I.C.R. 480; *Scarlett v. Godfrey Abbott Group Ltd.* [1978] I.C.R. 1106; *Byrne v. Birmingham City District Council* [1987] I.C.R. 519; *Sillars v. Charrington Fuels Ltd.* [1988] I.C.R. 505
Distinguished, *Puttick v. John Wright & Sons (Blackwall) Ltd.* [1972] I.C.R. 457

Fitzpatrick v. British Railways Board [1990] I.C.R. 674, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1992] I.C.R. 221

Flack v. Kodak Ltd. [1985] I.C.R. 820, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 775

Flack v. Kodak Ltd. [1986] I.C.R. 775; [1987] 1 W.L.R. 31; [1986] 2 All E.R. 1003, C.A. **Considered,** *Sillars v. Charrington Fuels Ltd.* [1988] I.C.R. 505; [1989] I.C.R. 475

Fleming v. Secretary of State for Trade and Industry [1997] I.R.L.R. 682, Ct. of Sess. **Followed,** *Secretary of State for Trade and Industry v. Bottrill* [1998] I.C.R. 564; [1999] I.C.R. 592

Flint v. Eastern Electricity Board [1975] I.C.R. 395. **Applied,** *Morris v. Griffiths* [1977] I.C.R. 153
Considered, *General Council of British Shipping v. Deria* [1985] I.C.R. 198

Flushing Cistern Makers' Ltd.'s Agreement, *In re* [1973] I.C.R. 654, R.P.Ct. (E. & W.). **Applied,** *In re Agreements Relating to the Supply of Bread* [1977] I.C.R. 946

Ford Motor Co. Ltd. v. Amalgamated Union of Engineering and Foundry Workers [1969] 2 Q.B. 303; [1969] 1 W.L.R. 339; [1969] 2 All E.R. 481. **Considered,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Ford Motor Co. Ltd. v. Hudson [1978] I.C.R. 482; [1978] 3 All E.R. 23, E.A.T. **Considered,** *Sulemanji v. Toughened Glass Ltd.* [1979] I.C.R. 799

Ford v. Warwickshire County Council [1982] I.C.R. 520, C.A. **Decision of the Court of Appeal reversed** [1983] I.C.R. 273

Ford v. Warwickshire County Council [1983] I.C.R. 273, 284; [1983] 2 A.C. 71; [1983] 2 W.L.R. 399; [1983] 1 All E.R. 753, H.L.(E.). **Applied,** *Surrey County Council v. Lewis* [1987] I.C.R. 232
Dictum of Lord Diplock applied, *Sillars v. Charringtons Fuels Ltd.* [1988] I.C.R. 505
Considered, *Sillars v. Charrington Fuels Ltd.* [1989] I.C.R. 475
Dictum of Lord Diplock considered, *Flack v. Kodak Ltd.* [1986] I.C.R. 775
Distinguished, *Surrey County Council v. Lewis* [1986] I.C.R. 404: *Surrey County Council v. Lewis* [1987] I.C.R. 982

Foreningen af Arbejdsledere i Danmark v. Daddy's Dance Hall A/S (Case 324/86) [1988] E.C.R. 739, E.C.J. **Applied,** *Wilson v. St. Helens Borough Council* [1996] I.C.R. 711; *Credit Suisse First Boston (Europe) Ltd. v. Padiachy* [1999] I.C.R. 569; *Credit Suisse First Boston (Europe) Ltd. v. Lister* [1999] I.C.R. 794

Foss v. Harbottle [1843] 2 Hare 461. **Distinguished,** *Thomas v. National Union ofMineworkers (South Wales Area)* [1985] I.C.R. 886; *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

Foster v. British Gas Plc. [1987] I.C.R. 904. E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1988] I.C.R. 584

Foster v. British Gas Plc. [1988] I.C.R. 584, C.A. **Decision of the Court of Appeal reversed** [1991] I.C.R. 463

Foster v. British Gas Plc. (Case C-188/89) [1991] I.C.R. 84; [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1990] 3 All E.R. 897; [1990] E.C.R. 1-3313, E.C.J. **Applied,** *Rolls-Royce Plc. v. Doughty* [1992] I.C.R. 538; *National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School* [1995] I.C.R. 317; *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644

Foster v. British Gas Plc. (Case C-188/89) [1991] I.C.R. 84; [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1990] 3 All E.R. 897; [1990] E.C.R. 1-3313, E.C.J.; [1991] I.C.R. 463; [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] 2 All E.R. 705, H.L.(E.). **Considered,** *National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School* [1997] I.C.R. 334

Foster v. British Gas Plc. [1991] I.C.R. 463; [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] 2 All E.R. 705, H.L.(E.). **Considered,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644

Foster v. South Glamorgan Health Authority [1988] I.C.R. 526, E.A.T. **Distinguished,** *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799

Foster Clark Ltd.'s Indenture Trusts, *In re* [1966] 1 W.L.R. 125; [1966] 1 All E.R. 43. **Distinguished,** *Pambakian v. Brentford Nylons Ltd.* [1978] I.C.R. 665

Foster Wheeler (London) Ltd. v. Jackson [1990] I.C.R. 757, 767, E.A.T. **Applied,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331

Fougère v. Phoenix Motor Co. Ltd. [1976] I.C.R. 495; [1976] 1 W.L.R. 1281, E.A.T. **Applied,** *Brittains Arborfield Ltd. v. Van Uden* [1977] I.C.R. 211

Fowler v. Kibble [1922] 1 Ch. 487, C.A. **Considered,** *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

Foxley v. Olton [1965] 2 Q.B. 306; [1964] 3 W.L.R. 1155; [1964] 3 All E.R. 248, **Applied,** *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63

Francovich v. Italian Republic (Cases C-6 and 9/90) [1995] I.C.R. 722; [1991] E.C.R. I-5357, E.C.J. **Applied,** *R. v. Secretary of State for Social Security, Ex parte Sutton* (Case C-66/95) [1997] I.C.R. 961
Considered, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889; *Secretary of State for Employment v. Mann* [1996] I.C.R. 197; [1997] I.C.R. 209

Freud v. Bentalls Ltd. [1983] I.C.R. 77, E.A.T. **Distinguished,** *Walls Meat Co. Ltd. v. Selby* [1989] I.C.R. 601

Frost v. Chief Constable of South Yorkshire Police [1998] Q.B. 254; [1997] 3 W.L.R. 1194; [1997] 1 All E.R. 540, C.A. **Decision of the Court of Appeal reversed** [1999] I.C.R. 216

Frost v. Chief Constable of South Yorkshire Police [1998] Q.B. 254; [1997] 3 W.L.R. 1194; [1997] 1 All E.R. 540, C.A. **Distinguished,** *Hunter v. British Coal Corpn.* [1999] I.C.R. 72

Fussell v. Somerset Justices Licensing Committee [1947] K.B. 276; [1947] 1 All E.R. 44, D.C. **Applied,** *R. v. Industrial Tribunal, Ex parte Cotswold Collotype Co. Ltd.* [1979] I.C.R. 190

G.K.N. (Cwmbran) Ltd. v. Lloyd [1972] I.C.R. 214, N.I.R.C. **Applied,** *Secretary of State for Employment v. Newcastle upon Tyne City Council* [1980] I.C.R. 407

G.K.N. Sankey Ltd. v. National Society of Metal Mechanics [1980] I.C.R. 148, E.A.T. **Considered,** *E. Green & Son (Castings) Ltd. v. Association of Scientific, Technical and Managerial Staffs* [1984] I.C.R. 352
Not followed, *Transport and General Workers' Union v. Ledbury Preserves (1928) Ltd.* [1986] I.C.R. 855

Galashiels Gas Co. Ltd. v. Millar [1949] A.C. 275; [1949] 1 All E.R. 319, H.L.(Sc.). **Applied,** *Stark v. Post Office* [2000] I.C.R. 1013

Gale (B.G.) Ltd. v. Gilbert [1978] I.C.R. 1149, E.A.T. **Considered,** *Martin v. Yeoman Aggregates Ltd.* [1983] I.C.R. 314

Gallagher v. Post Office [1970] 3 All E.R. 712. **Considered,** *TSA v. Post Office* [1973] I.C.R. 173; *R. v. Post Office. Ex parte Association of Scientific, Technical and Managerial Staffs (Telephone Contracts Officers' Section)* [1981] I.C.R. 76

Gallagher v. Wimpey & Co. Ltd., 1951 S.L.T. 377, 381, **Dictum of Lord Cooper applied,** *Williams v. West Wales Plant Hire Co. Ltd.* [1985] I.C.R. 6

Gannon v. J. C. Firth Ltd. (1977) 12 I.T.R. 29, E.A.T. **Not followed,** *Rasool v. Hepworth Pipe Co. Ltd.* [1980] I.C.R. 494

Gardiner-Hill v. Roland Berger Technics Ltd. [1982] I.R.L.R. 498, E.A.T. **Followed,** *Savage v. Saxena* [1998] I.C.R. 357

Gardner (F. C.) Ltd. v. Beresford [1978] I.R.L.R. 63, E.A.T. **Considered,** *Murco Petroleum Ltd. v. Forge* [1987] I.C.R. 282

Garland v. British Rail Engineering Ltd. [1978] I.C.R. 495; [1978] 2 All E.R. 789, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 558

Garland v. British Rail Engineering Ltd. sub nom. Roberts v. Cleveland Area Health Authority [1979] I.C.R. 558; [1979] 1 W.L.R. 754; [1979] 2 All E.R. 1163, C.A. **Decision of the Court of Appeal reversed** [1982] I.C.R. 421

Garland v. British Rail Engineering Ltd. [1982] I.C.R. 420; [1982] 2 W.L.R. 918; [1982] 2 All E.R. 402, E.C.J. and H.L.(E.) **Applied,** *Roberts v. Tate & Lyle Food and Distribution Ltd.* [1983] I.C.R. 521
Considered, *McMahon v. Department of Educationand Science* [1983] I.C.R. 67

Garland v. British Rail Engineering Ltd. (Case 12/81) [1983] 2 A.C. 751, 770–771; [1982] 2 W.L.R. 918; [1982] 2 All E.R. 402, H.L.(E.). **Dictum of Lord Diplock not followed,** *Duke v. Reliance Systems Ltd.* [1988] I.C.R. 339

Garvin v. London (City) Police Authority [1944] K.B. 358; [1944] 1 All E.R. 378, D.C. **Applied,** *R. v. Kellam, Ex parte South Wales Police Authority* [2000] I.C.R. 632

Gascol Conversions Ltd. v. Mercer [1974] I.C.R. 420, C.A. **Distinguished,** *System Floors (U.K.) Ltd. v. Daniel* [1982] I.C.R. 54

Gayle v. John Wilkinson & Sons (Saltley) Ltd. [1978] I.C.R. 154, E.A.T. **Applied,** *Lakhani v. Hoover Ltd.* [1978] I.C.R. 1063

General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union [1974] I.C.R. 35, N.I.R.C. **Decision of the National Industrial Relations Court reversed** [1975] I.C.R. 276

General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union [1975] I.C.R. 276, C.A. **Decision of the Court of Appeal affirmed** [1985] I.C.R. 615

General Aviation Services (U.K.) Ltd. v. Transport and General Workers Union [1975] I.C.R. 276, C.A. **Considered,** *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74

General Billposting Co. Ltd. v. Atkinson [1909] A.C. 118, H.L.(E.). **Applied,** *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938

General Cleaning Contractors Ltd. v. Christmas [1953] A.C. 180; [1953] 2 W.L.R. 6; [1952] 2 All E.R. 1110, H.L.(E.) **Considered,** *King v. Smith* [1995] I.C.R. 339

General Electric Co. Ltd. v. Price Commission [1974] I.C.R. 609. **Decision of Mocatta J. varied** [1975] I.C.R. 1

General Electric Co. Ltd. v. Price Commission [1975] I.C.R. 1, 12, 14, C.A. **Dictum of Lord Denning M.R. applied,** *H.T.V. Ltd. v. Price Commission* [1976] I.C.R. 170

General and Finance Facilities Ltd. v. Cooks Cars (Romford) Ltd. [1963] 1 W.L.R. 644, 649–650; [1963] 2 All E.R. 314, C.A. **Dictum of Diplock L.J. applied,** *Howard E. Perry & Co. Ltd. v. British Railways Board* [1980] I.C.R. 743

General Medical Council v. Goba [1988] I.C.R. 885, E.A.T. **Approved,** *Hampson v. Department of Education and Science* [1990] I.C.R. 511

Gibson v. Barton (1875) L.R. 10 Q.B. 329. **Applied,** *Reg. v. Boal* [1992] I.C.R. 495

Gibson v. British Insulated Callenders' Construction Co. Ltd., 1973 S.L.T. 2, H.L.(Sc.). **Applied,** *Bowes v. Sedgefield District Council* [1981] I.C.R. 234; *Larner v. British Steel Plc.* [1993] I.C.R. 551

Gibson v. East Riding of Yorkshire Council [1999] I.C.R. 622, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [2000] I.C.R. 890

Gibson v. Lawson [1891] 2 Q.B. 545. **Considered,** *R. v. Jones (John)* [1974] I.C.R. 310

Gilbert v. I. Goldstone Ltd. [1977] I.C.R. 36; [1977] 1 All E.R. 423, E.A.T. **Explained,** *Wetherall (Bond St. WI) Ltd. v. Lynn* [1978] I.C.R. 205

Gilham v. Kent County Council (No. 2) [1985] I.C.R. 233, C.A. **Applied,** *Neale v. Hereford and Worcester County Council* [1986] I.C.R. 471; *Haddon v. Van den Bergh Foods Ltd.* [1999] I.C.R. 1150; *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263; *Foley v. Post Office* [2000] I.C.R. 1283

Gill v. Harold Andrews Sheepbridge Ltd. [1974] I.C.R. 294, N.I.R.C. **Applied,** *Hill v. Sabco Houseware (U.K.) Ltd.* [1977] I.C.R. 888

Gillespie v. Northern Health and Social Services Board (Case C-342/93) [1996] I.C.R. 498; [1996] E.C.R. 1-475, E.C.J.
Applied, *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991; *Clark v. Secretary of State for Employment* [1997] I.C.R. 64; *Alabaster v. Woolwich Plc.* [2000] I.C.R. 1037
Considered, *Edwards v. Derby City Council* [1999] I.C.R. 114
Explained, *Banks v. Tesco Stores Ltd.* [1999] I.C.R. 1141

Gillick v. B.P. Chemicals Ltd. [1993] I.R.L.R. 437, E.A.T. **Followed,** *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328

Gimber (W.) & Sons Ltd. v. Spurrett (1967) 2 I.T.R. 308, D.C. **Considered,** *Elliott Turbomachinery Ltd. v. Bates* [1981] I.C.R. 218
Not followed, *Church v. West Lancashire N.H.S. Trust* [1998] I.C.R. 423

Ging v. Ellward Lancs Ltd. (Note) [1991] I.C.R. 222, E.A.T. **Considered,** *Lytlarch Ltd. v. Reid* [1991] I.C.R. 216; *Whelan v. Richardson* [1998] I.C.R. 318
Distinguished, *Courtaulds Northern Spinning Ltd. v. Moosa* [1984] I.C.R. 218; *Fentiman v. Fluid Engineering Products Ltd.* [1991] I.C.R. 570

Glacier Metal Co. Ltd. v. Dyer [1974] 3 All E.R. 21, N.I.R.C. **Considered,** *Tunnel Holdings Ltd. v. Woolf* [1976] I.C.R. 387

Glasgow City Council v. Zafar, 1997 S.L.T. 281. **Decision of the Second Division of the Court of Session affirmed** [1998] I.C.R. 120

Glasgow City Council v. Zafar [1998] I.C.R. 120; [1997] 1 W.L.R. 1659; [1998] 2 All E.R. 953, H.L.(Sc.). **Applied,** *Marks & Spencer Plc. v. Martins* [1998] I.C.R. 1005

Global Plant Ltd. v. Secretary of State for Social Services [1972] 1 Q.B. 139; [1971] 3 W.L.R. 269; [1971] 3 All E.R. 385. **Applied,** *Challinor v. Taylor* [1972] I.C.R. 129; *B.S.M. (1257) Ltd. v. Secretary of State for Social Services* [1978] I.C.R. 894; *WHPT Housing Association Ltd. v. Secretary of State for Social Services* [1981] I.C.R. 737; *Warner Holidays Ltd. v. Secretary of State for Social Services* [1983] I.C.R. 440

Gorris v. Scott (1874) L.R. 9 Ex. 125. **Applied,** *McGovern v. British Steel Corpn.* [1986] I.C.R. 608

Gough v. National Coal Board [1959] A.C. 698; [1959] 2 W.L.R. 658; [1959] 2 All E.R. 164, H.L.(E.). **Applied,** *Hammond v. National Coal Board* [1984] I.C.R. 820

Governing Body of Clifton Middle School v. Askew [1997] I.C.R. 808, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [2000] I.C.R. 286

Grant v. National Coal Board [1956] A.C. 649; [1956] 2 W.L.R. 752; [1956] 1 All E.R. 682, H.L.(Sc.). **Applied,** *McGovern v. British Steel Corpn.* [1986] I.C.R. 608

Grant v. South-West Trains Ltd. (Case C-249/96) [1998] I.C.R. 449; [1998] E.C.R. I-621, E.C.J. **Considered,** *Bavin v. N.H.S. Trust Pensions Agency* [1999] I.C.R. 1192

Grazebrook (M. & W.) Ltd. v. Wallens [1973] I.C.R. 256; [1973] 2 All E.R. 868, N.I.R.C. **Considered,** *New Victoria Hospital v. Ryan* [1993] I.C.R. 201

Green v. Hampshire County Council [1979] I.C.R. 861. **Considered,** *Automatic Switching Ltd. v. Brunet* [1986] I.C.R. 542

Green (E.) & Son (Castings) Ltd. v. Association of Scientific, Technical and Managerial Staffs [1984] I.C.R. 352, E.A.T. **Followed,** *Transport and General Workers' Union v. Ledbury Preserves (1928) Ltd.* [1986] I.C.R. 855

Greenall Whitley Plc. v. Carr [1985] I.C.R. 451, E.A.T. **Approved,** *West Midlands Co-operative Society Ltd. v. Tipton* [1986] I.C.R. 192

Greene v. Broxtowe District Council [1977] I.C.R. 241; [1977] 1 All E.R. 694, E.A.T. **Considered,** *Arnold v. Beecham Group Ltd.* [1982] I.C.R. 744

Greenwich Health Authority v. Skinner [1989] I.C.R. 220, E.A.T. **Followed,** *Stevens v. Bexley Health Authority* [1989] I.C.R. 224

Greg May (Carpet Fitters & Contractors) Ltd. v. Dring [1990] I.C.R. 188, 193–194, E.A.T. **Applied,** *Kournavous v. J. R. Masterton & Sons Demolition Ltd.* [1990] I.C.R. 387
Dicta applied, *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331

Griffiths v. Smith [1941] A.C. 170; [1941] 1 All E.R. 66, H.L.(E.). **Applied,** *Hampson v. Department of Education and Science* [1989] I.C.R. 179

Grunwick Processing Laboratories Ltd. v. Advisory, Conciliation and Arbitration Service [1978] I.C.R. 231; [1978] A.C. 655; [1978] 2 W.L.R. 277; [1978] 1 All E.R. 338, C.A. and H.L.(E.). **Applied,** *Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 637

Guardians of the Society of Keelmen on the River Tyne v. Davison (1864) 16 C.B.N.S. 612, 622. **Dictum of Byles J. applied,** *Rayware Ltd. v. Transport and General Workers' Union* [1989] I.C.R. 457

Gunton v. Richmond-upon-Thames London Borough Council [1980] I.C.R. 755; [1981] Ch. 448; [1980] 3 W.L.R. 714; [1980] 3 All E.R. 577, C.A. **Applied,** *Shook v. Ealing London Borough Council* [1986] I.C.R. 314; *Rigby v. Ferodo Ltd.* [1987] I.C.R. 457; *Ali v. Southwark London Borough Council* [1988] I.C.R. 567; *Marsh v. National Autistic Society* [1993] I.C.R. 453; *Boyo v. Lambeth London Borough Council* [1994] I.C.R. 727
Dictum of Buckley L.J. applied, *Dietman v. Brent London Borough Council* [1987] I.C.R. 737
Considered, *Rigby v. Ferodo Ltd.* [1988] I.C.R. 29

Habermann-Beltermann v. Arbeiterwohlfahrt, Bezirksverband Ndb/Opf, eV (Case C-421/92) [1994] 2 C.M.L.R. 681, E.C.J. **Applied,** *Webb v. Emo Air Cargo Ltd.* [1994] I.C.R. 770

Haddon v. Van den Bergh Foods Ltd. [1999] I.C.R. 1150, E.A.T. **Overruled,** *Foley v. Post Office* [2000] I.C.R. 1283
Not followed, *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263

Hadkinson v. Hadkinson [1952] P. 285; [1952] 2 All E.R. 567, C.A. **Applied,** *Clarke v. Heathfield* [1985] I.C.R. 203

Hadmor Productions Ltd. v. Hamilton [1981] I.C.R. 690; [1981] 3 W.L.R. 139; [1981] 2 All E.R. 724, C.A. **Decision of the Court of Appeal reversed** [1982] I.C.R. 114

Hadmor Productions Ltd. v. Hamilton [1982] I.C.R. 114; [1983] 1 A.C. 191; [1982] 2 W.L.R. 322; [1982] 1 All E.R. 1042, C.A. and H.L.(E.). **Considered,** *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74; *Dairy Crest Ltd. v. Pigott* [1989] I.C.R. 92; *Pepper v. Hart* [1993] I.C.R. 291

Hair Colour Consultants Ltd. v. Mena [1984] I.C.R. 671, E.A.T. **Considered,** *Secretary of State for Employment v. Chapman* [1989] I.C.R. 771; *Tice v. Cartwright* [1999] I.C.R. 769

Halford v. Sharples [1992] I.C.R. 146, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 583

Halford v. Sharples [1992] I.C.R. 583; [1992] 1 W.L.R. 736; [1992] 3 All E.R. 624, C.A. **Distinguished,** *Comr. of Police of the Metropolis v. Locker* [1993] I.C.R. 440

Halfpenny v. IGE Medical Systems Ltd. [1997] I.C.R. 1007, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1999] I.C.R. 834

Hall v. Lorimer [1992] I.C.R. 739; [1992] 1 W.L.R. 939. **Decision of Mummery J. affirmed** [1994] I.C.R. 218

Hamilton v. National Coal Board [1960] A.C. 633, 653; [1960] 2 W.L.R. 313; [1960] 1 All E.R. 76, H.L.(Sc.). **Dictum of Lord Jenkins applied,** *Stark v. Post Office* [2000] I.C.R. 1013

Hammersmith and Fulham London Borough Council v. Jesuthasan [1996] I.C.R. 991, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 640

Hammond v. Haigh Castle & Co. Ltd. [1973] I.C.R. 148; [1973] 2 All E.R. 289, N.I.R.C. **Followed,** *Westward Circuits Ltd. v. Read* [1973] I.C.R. 301; *Singh v. Post Office* [1973] I.C.R. 437
Applied, *Anglo Continental School of English (Bournemouth) Ltd. v. Gardiner* [1973] I.C.R. 261; *Dorber v. London Brick Co. Ltd.* [1974] I.C.R. 270
Considered, *Post Office v. Moore* [1981] I.C.R. 623

Hampson v. Department of Education and Science [1988] I.C.R. 278, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1989] I.C.R. 179

Hampson v. Department of Education and Science [1989] I.C.R. 179, C.A. **Decision of the Court of Appeal reversed** [1990] I.C.R. 511

Hampson v. Department of Education and Science [1989] I.C.R. 179; [1990] 2 All E.R. 25, C.A. **Applied,** *Webb v. Emo Air Cargo (U.K.) Ltd.* [1993] I.C.R. 175; *Board of Governors of St. Marthias Church of England School v. Crizzle* [1993] I.C.R. 401

Hanak v. Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755; [1958] 2 All E.R. 141, C.A. **Applied,** *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

Handels- og Kontorfunktionærernes Forbund i Danmark v. Dansk Arbejdsgiverforening (Case 179/88) [1992] I.C.R. 332; [1990] E.C.R. I-3979, E.C.J. **Applied,** *Webb v. Emo Air Cargo (U.K.) Ltd.* [1994] I.C.R. 770
Considered, *Webb v. Emo Air Cargo (U.K.) Ltd,* [1993] I.C.R. 175; *British Telecommunications Plc. v. Roberts* [1996] I.C.R. 625; *Brown v. Rentokil Ltd.* (Case C-394/96) [1998] I.C.R. 790

Handels- og Kontorfunktionærernes Forbund i Danmark v. Dansk Handel & Service (Case C-400/95) [1997] E.C.J. I-2757, 2781 2782, para. 23, E.C.J. **Dicta disapproved,** *Brown v. Rentokil Ltd.* (Case C-394/96) [1998] I.C.R. 790

Hanks v. Ace High Productions Ltd. [1978] I.C.R. 1155, E.A.T. **Applied,** *Spring Grove Services Group Plc. v. Hickinbottom* [1990] I.C.R. 111
Considered, *Lamont v. Fry's Metals Ltd.* [1983] I.C.R. 778; *Arthur Guinness Son & Co. (Great Britain) Ltd. v. Green* [1989] I.C.R. 241

Hannam v. Bradford Corpn. [1970] 1 W.L.R. 937; [1970] 2 All E.R. 690, C.A. **Applied,** *Roehuck v. National Union of Mineworkers* [1977] I.C.R. 573

Haque v. Stitchen & Co. (1937) Ltd. [1973] I.C.R. 474, N.I.R.C. **Considered,** *Barclay v. Roach* [1976] I.C.R. 356

Hardie v. C. D. Northern Ltd. [2000] I.C.R. 207, E.A.T. **Followed,** *Colt Group Ltd. v. Couchman* [2000] I.C.R. 327

Hare v. Murphy Brothers Ltd. [1973] I.C.R. 331, N.I.R.C. **Decision of the National Industrial Relations Court affirmed on different grounds** [1974] I.C.R. 603

Hare v. Murphy Brothers Ltd. [1973] I.C.R. 331, N.I.R.C. **Distinguished,** *Forgings & Presswork Ltd. v. McDougall* [1974] I.C.R. 532

Hare v. Murphy Brothers Ltd. [1974] I.C.R. 603; [1974] 3All E.R. 940, C.A. **Applied,** *F. C. Shepherd & Co. Ltd. v. Jerrom* [1985] I.C.R. 552
Not followed, *F. C. Shepherd & Co. Ltd. v. Jerrom* [1986] I.C.R. 802

Harford v. Swiftrim Ltd. [1987] I.C.R. 439, E.A.T. **Considered,** *Tice v. Cartwright* [1999] I.C.R. 769

Harman v. Flexible Lamps Ltd. [1980] I.R.L.R. 418, 419, E.A.T. **Dictum of Bristow J. doubted,** *Notcutt v. Universal Equipment Co. (London) Ltd.* [1986] I.C.R. 414

Harnett v. Bond [1924] 2 K.B. 517, C.A. **Distinguished,** *Ministry of Defence v. Pope* [1997] I.C.R. 296

Harris v. Courage (Eastern) Ltd. [1981] I.C.R. 496, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 530

Harris and Russell Ltd. v. Slingsby [1973] I.C.R. 454; [1973] 3 All E.R. 31, N.I.R.C. **Considered,** *Laughton v. Bapp Industrial Supplies Ltd.* [1986] I.C.R. 634

Harris (Ipswich) Ltd. v. Harrison [1978] I.C.R. 1256, E.A.T. **Applied,** *R. v. British Broadcasting Corpn., Ex parte Lavelle* [1983] I.C.R. 99

Harrison Bowden Ltd. v. Bowden [1994] I.C.R. 186, E.A.T. **Followed,** *Morris v. John Grose Group Ltd.* [1998] I.C.R. 655. **Not followed,** *Ibex Trading Co. Ltd. v. Walton* [1994] I.C.R. 907

Harrods Ltd. v. Remick [1996] I.C.R. 846, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1998] I.C.R. 156

Harrods Ltd. v. Remick [1996] I.C.R. 846, E.A.T.; [1998] I.C.R. 156; [1998] 1 All E.R. 52, C.A. **Applied,** *C. J. O'Shea Construction Ltd. v. Bassi* [1998] I.C.R. 1130

Harvey v. Institute of the Motor Industry [1996] I.C.R. 981, E.A.T. **Distinguished,** *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991

Harz v. Deutsche Tradax G.m.b.H. (Case 79/83) [1984] E.C.R. 1921, E.C.J. **Distinguished,** *Johnston v. Chief Constable of the Royal Ulster Constabulary* (Case 222/84) [1987] I.C.R. 83

Hasselblad (G.B.) Ltd. v. Orbinson [1985] Q.B. 475; [1985] 2 W.L.R. 1; [1985] 1 All E.R. 173, C.A. **Considered,** *Iberian U.K. Ltd. v. B.P.B. Industries Plc.* [1997] I.C.R. 164

Haste v. Sandell Perkins Ltd. [1984] Q.B. 735; [1984] 3 W.L.R. 73; [1984] 2 All E.R. 615. **Considered,** *Palfrey v. Greater London Council* [1985] I.C.R. 437

Haughton v. Olau Line (U.K.) Ltd. [1985] I.C.R. 711, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 357

Havenhand v. Thomas Black Ltd. [1968] 1 W.L.R. 1241; [1968] 2 All E.R. 1037, D.C. **Applied,** *Eaton v. R.K.B. (Furmston) Ltd.* [1972] I.C.R. 273

Hayes v. Malleable Working Men's Club and Institute [1985] I.C.R. 703, E.A.T. **Approved,** *Webb v. Emo Air Cargo (U.K.) Ltd.* [1992] I.C.R. 445
Applied, *Webb v. Emo Air Cargo (U.K.) Ltd.* [1990] I.C.R. 442

Hayman v. Rowlands [1957] 1 W.L.R. 317, 318; [1957] 1 All E.R. 321, C.A. **Dictum of Denning L.J. considered,** *Dexine Rubber Co. Ltd. v. Alker* [1977] I.C.R. 434

Hayward v. Cammell Laird Shipbuilders Ltd. (No. 2) [1987] I.C.R. 682; [1988] Q.B. 12; [1987] 3 W.L.R. 20; [1987] 2 All E.R. 344, C.A. **Decision of the Court of Appeal reversed** [1988] I.C.R. 464

Hayward v. Cammell Laird Shipbuilders Ltd. (No. 2) [1988] I.C.R. 464, 473–474; [1988] A.C. 894; [1988] 2 W.L.R. 1134; [1988] 2 All E.R. 257, H.L.(E.). **Dicta of Lord Mackay of Clashfern L.C. considered,** *British Coal Corpn. v. Smith* [1994] I.C.R. 810

Hazell v. Hammersmith and Fulham London Borough Council [1992] 2 A.C. 1; [1991] 2 W.L.R. 372; [1991] 1 All E.R. 545, H.L.(E.). **Distinguished,** *U.K. Waste Control Ltd. v. Wren* [1995] I.C.R. 974

Health Computing Ltd. v. Meek [1981] I.C.R. 24. **Considered,** *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74

Heath v. J. F. Longman (Meat Salesmen) Ltd. [1973] I.C.R. 407; [1973] 2 All E.R. 1228, N.I.R.C. **Considered,** *Thompson v. Eaton Ltd.* [1976] I.C.R. 336; *Williams v. Western Mail & Echo Ltd.* [1980] I.C.R. 366
Distinguished, *Dorber v. London Brick Co. Ltd.* [1974] I.C.R. 270

Heatons Transport (St. Helens) Ltd. v. Transport and General Workers' Union [1972] I.C.R. 308, 393; [1973] A.C. 15; [1972] 3 W.L.R. 431; [1972] 3 All E.R. 101. H.L.(E.). **Applied,** *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886; *In re Ready Mixed Concrete* [1991] I.C.R. 52
Dictum of Lord Wilberforce applied, *Jacques v. Amalgamated Union of Engineering Workers (Engineering Section)* [1986] I.C.R. 683
Considered, *General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union* [1974] I.C.R. 35: *Chappell v. Times Newspapers Ltd.* [1975] I.C.R. 145
Distinguished, *Hanseatic Ship Management Ltd. v. International Transport Workers Federation* [1974] I.C.R. 112; *General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union* [1985] I.C.R. 615; *In re Supply of Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25

Hebbes v. Rank Precision Industries Ltd. [1978] I.C.R. 489, E.A.T. **Applied,** *Arnold v. Beecham Group Ltd.* [1982] I.C.R. 744

Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. [1964] A.C. 465, 525–526, 529; [1963] 3 W.L.R. 101; [1963] 2 All E.R. 575, H.L.(E.). **Applied,** *Spring v. Guardian Assurance Plc.* [1994] I.C.R. 596
Considered, *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7
Dicta of Lord Devlin considered, *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

Hellyer Brothers Ltd. v. McLeod [1986] I.C.R. 122, E.A.T. **Distinguished,** *Boyd Line Ltd. v. Pitts* [1986] I.C.R. 244

Hempell v. W. H. Smith & Sons Ltd. [1986] I.C.R. 365, E.A.T. **Followed,** *Jones v. Governing Body of Burdett Coutts School* [1997] I.C.R. 390
Considered, *Ebac Ltd. v. Wymer* [1995] I.C.R. 466

Henderson v. Henderson (1843) 3 Hare 100. **Applied,** *Divine-Bortey v. Brent London Borough Council* [1998] I.C.R. 886; *Sheriff v. Klyne Tugs (Lowestoft) Ltd.* [1999] I.C.R. 1170
Considered, *Dattani v. Trio Supermarkets Ltd.* [1998] I.C.R. 872; *Hancock v. Doncaster Metropolitan Borough Council* [1998] I.C.R. 900

Henke v. Gemeinde Schierke (Case C-298/94) [1997] I.C.R. 808; [1997] All E.R. (E.C.) 173; [1996] E.C.R. I-4989, E.C.J. **Distinguished,** *Governing Body of Clifton Middle School v. Askew* [1997] I.C.R. 808

Hennessy v. Craigmyle & Co. Ltd. [1985] I.C.R. 879, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 461

Hennessy v. Craigmyle & Co. Ltd. [1986] I.C.R. 461, 470, C.A. **Dictum of Sir John Donaldson M.R. applied,** *Campion v. Hamworthy Engineering Ltd.* [1987] I.C.R. 966

Herbert v. Harold Shaw Ltd. [1959] 2 Q.B. 138; [1959] 2 W.L.R. 681; [1959] 2 All E.R. 189, C.A. **Considered,** *Clare v. L. Whittaker & Son (London) Ltd.* [1976] I.C.R. 1

Hetherington v. Dependable Products Ltd. (1970) 9 K.I.R. 183, C.A. **Followed,** *Price v. Smithfield & Zwanenberg Group Ltd.* [1978] I.C.R. 93

Hetton Victory Club Ltd. v. Swainston [1983] I.C.R. 139, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1983] I.C.R. 341

Hetton Victory Club Ltd. v. Swainston [1983] I.C.R. 341; [1983] 1 All E.R. 1179, C.A. **Applied,** *Ford v. Stakis Hotels & Inns Ltd.* [1987] I.C.R. 943

Hewett v. Alf Brown's Transport Ltd. [1991] I.C.R. 471. **Decision of Otton J. affirmed** [1992] I.C.R. 530

Hewlett v. Allen [1894] A.C. 383, H.L.(E.). **Applied,** *Williams v. Butlers Ltd.* [1975] I.C.R. 208

Heywood v. Wellers [1976] Q.B. 446; [1976] 2 W.L.R. 101; [1976] 1 All E.R. 300, C.A. **Distinguished,** *Bliss v. South East Thames Regional Health Authority* [1987] I.C.R. 700

Hickman v. Maisey [1900] 1 Q.B. 752, C.A. **Applied,** *Hubbard v. Pitt* [1975] I.C.R. 77

High Table Ltd. v. Horst [1998] I.C.R. 409, C.A. **Considered,** *Shawkat v. Nottingham City Hospital N.H.S. Trust* [1999] I.C.R. 780

Highlands and Islands Development Board v. MacGillivray [1986] I.R.L.R. 210. **Considered,** *Barber v. Thames Television Plc.* [1992] I.C.R. 661

Hill v. C. A. Parsons & Co. Ltd. [1972] Ch. 305, 319; [1971] 3 W.L.R. 995; [1971] 3 All E.R. 135, C.A. **Applied,** *G.K.N. (Cwmbran) Ltd. v. Lloyd* [1972] I.C.R. 214; *British Building & Engineering Appliances Ltd. v. Dedman* [1973] I.C.R. 82: *Irani v. Southampton and South West Hampshire Health Authority* [1985] I.C.R. 590; *Powell v. Brent London Borough Council* [1988] I.C.R. 176; *Robb v. Hammersmith and Fulham London Borough Council* [1991] I.C.R. 514
Dictum of Sachs L.J. applied, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755
Considered, *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905
Distinguished, *Sanders v. Ernest A. Neale Ltd.* [1974] I.C.R. 565; *Chappell v. Times Newspapers Ltd.* [1975] I.C.R. 145

Hill v. Chief Constable of West Yorkshire Police [1989] A.C. 53; [1988] 2 W.L.R. 1049; [1988] 2 All E.R. 238, H.L.(E.). **Applied,** *Hughes v. National Union of Mineworkers* [1991] I.C.R. 669; *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073
Considered, *Castello v. Chief Constable of Northumbria* [1999] I.C.R. 752
Distinguished, *Waters v. Comr. of Police of the Metropolis* [2000] I.C.R. 1064

Hill v. William Hill (Park Lane) Ltd. [1949] A.C. 530; [1949] 2 All E.R. 452, H.L.(E.). **Applied,** *A.R. Dennis & Co. Ltd. v. Campbell* [1978] I.C.R. 862

Hillingdon Area Health Authority v. Kauders [1979] I.C.R. 472, E.A.T. **Disapproved,** *Merton London Borough Council v. Gardiner* [1981] I.C.R. 186

Hillsdown Holdings Plc. v. Pensions Ombudsman [1997] 1 All E.R. 862. **Distinguished,** *Edge v. Pensions Ombudsman* [2000] I.C.R. 748

Hilti (Great Britain) Ltd. v. Windridge [1974] I.C.R. 352, 357 N.I.R.C. **Dictum of Sir Hugh Griffiths approved,** *Addison v. Babcock F.A.T.A. Ltd.* [1987] I.C.R. 805
Applied, *Daley v. A. E. Dorsett (Almar Dolls) Ltd.* [1982] I.C.R. 1

Hilton International Hotels (U.K.) Ltd. v. Faraji [1994] I.C.R. 259, E.A.T. **Considered,** *Rubenstein v. McGloughlin* [1997] I.C.R. 318; *Savage v. Saxena* [1998] I.C.R. 357
Not followed, *Puglia v. C. James & Sons* [1996] I.C.R. 301

Hilton International Hotels (U.K.) Ltd. v. Kaissi [1994] I.C.R. 578, E.A.T. **Considered,** *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629

Himpfen v. Allied Records Ltd. [1978] I.C.R. 684; [1978] 3 All E.R. 891, E.A.T. **Considered,** *Taylor v. Co-operative Retail Services Ltd.* [1981] I.C.R. 172

Hinds v. Buenos Ayres Grand National Tramways Co. Ltd. [1906] 2 Ch. 654, 658, 659. **Dicta of Warrington J. applied,** *General Electric Co. Ltd. v. Price Commission* [1975] I.C.R. 1

Hines v. Birkbeck College [1986] Ch. 524; [1986] 2 W.L.R. 97; [1985] 3 All E.R. 156. **Applied,** *Thomas v. University of Bradford* [1987] I.C.R. 245
Doubted, *Thomas v. University of Bradford* [1986] I.C.R. 87

Hines v. Birkbeck College (No. 2) [1992] Ch. 33; [1991] 3 W.L.R. 557; [1991] 4 All E.R. 450, C.A. **Applied,** *Westminster City Council v. Haywood (No. 2)* [2000] I.C.R. 827

Hiort v. Bott (1874) L.R. 9 Ex. 86. **Considered,** *Howard E. Perry & Co. Ltd. v. British Railways Board* [1980] I.C.R. 743

Hitchcock v. Post Office [1980] I.C.R. 100, E.A.T. **Considered,** *Tanna v. Post Office* [1981] I.C.R. 374

Hodgson v. Armstrong [1967] 2 Q.B. 299; [1967] 2 W.L.R. 311; [1967] 1 All E.R. 307, C.A. **Applied,** *Lang v. Devon General Ltd.* [1987] I.C.R. 4

Hodgson v. Trapp [1989] A.C. 807, 819; [1988] 3 W.L.R. 1281; [1988] 3 All E.R. 870, H.L.(E.). **Dicta of Lord Bridge of Harwich applied,** *Williams v. BOC Gases Ltd.* [2000] I.C.R. 1181
Distinguished, *Berriello v. Felixstowe Dock & Railway Co.* [1989] I.C.R. 467

Hofmann v. Barmer Ersatzkasse (Case 184/83) [1985] I.C.R. 731; [1984] E.C.R. 3047, E.C.J. **Applied,** *Clark v. Secretary of State for Employment* [1997] I.C.R. 64

Holland v. Glendale Industries Ltd. [1998] I.C.R. 493, E.A.T. **Doubted,** *Weathersfield Ltd. v. Sargent* [1999] I.C.R. 425

Hollister v. National Farmers' Union [1978] I.C.R. 712, E.A.T. **Decision of the Employment Appeal tribunal reversed** [1979] I.C.R. 542

Hollister v. National Farmers' Union [1979] I.C.R. 542, C.A. **Applied,** *Noble v. David Gold & Son (Holdings) Ltd.* [1980] I.C.R. 543

Home Counties Dairies Ltd. v. Skilton [1970] 1 W.L.R. 526; [1970] 1 All E.R. 1227, C.A. **Applied,** *Morris Angel & Son Ltd. v. Hollande* [1993] I.C.R. 71

Home Office v. Ayres [1992] I.C.R. 175, E.A.T. **Not followed,** *Sunderland Polytechnic v. Evans* [1993] I.C.R. 392

Hone v. Page (1980) 6 F.S.R. 500, 507. **Dictum of Slade J. applied,** *In re Supply of Ready Mixed Concrete* [1992] I.C.R. 229

Hoover Ltd. v. Forde [1980] I.C.R. 239, E.A.T. **Not followed,** *Lock v. Connell Estate Agents* [1994] I.C.R. 983

Hopkins v. Norcros Plc. [1993] I.C.R. 338. **Decision of David Latham Q.C. sitting as a deputy judge of the Queen's Bench Division affirmed** [1994] I.C.R. 11

Horan v. Hayhoe [1904] 1 K.B. 288, D.C. **Considered,** *Wiltshire Police Authority v. Wynn* [1980] I.C.R. 649

Horizon Holidays Ltd. v. Grassi [1987] I.C.R. 851, E.A.T. **Considered,** *Rushton v. Hareros Timber & Building Supplies Ltd.* [1993] I.C.R. 230

Hornal v. Neuberger Products Ltd. [1957] 1 Q.B. 247; [1956] 3 W.L.R. 1034; [1956] 3 All E.R. 970, C.A. **Applied,** *R. v. Hampshire County Council, Ex parte Ellerton* [1985] I.C.R. 317

Horrocks v. Lowe [1975] A.C. 135; [1974] 2 W.L.R. 282; [1974] 1 All E.R. 662, H.L.(E.). **Applied,** *Spring v. Guardian Assurance Plc.* [1993] I.C.R. 412

Horsley Smith & Sherry Ltd. v. Dutton [1977] I.C.R. 594, E.A.T. **Considered,** *Gilham v. Kent County Council (No. 1)* [1985] I.C.R. 227

Hotson v. Wisbech Conservative Club [1984] I.C.R. 859, E.A.T. **Distinguished,** *Clarke v. Trimoco Motor Group Ltd.* [1993] I.C.R. 237

House v. Emerson Electric Industrial Controls [1980] I.C.R. 795, E.A.T. **Distinguished,** *Russell v. Elmdon Freight Terminal Ltd.* [1989] I.C.R. 629

House v. Haughton Brothers (Worcester) Ltd. [1967] 1 W.L.R. 148; [1967] 1 All E.R. 39, C.A. **Distinguished,** *Flint v. Eastern Electricity Board* [1975] I.C.R. 395

Housing Services Agency v. Cragg [1997] I.C.R. 1050, E.A.T. **Considered,** *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 587

Howard v. Department for National Savings [1979] I.C.R. 584, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1981] I.C.R. 208

Howard v. Department for National Savings [1981] I.C.R. 208; [1981] 1 W.L.R. 542; [1981] 1 All E.R. 674, C.A. **Applied,** *Waite v. Government Communications Headquarters* [1983] I.C.R. 359
Considered, *Duke v. Reliance Systems Ltd.* [1982] I.C.R. 449
Overruled, *Waite v. Government Communications Headquarters* [1983] I.C.R. 653

Howard v. National Graphical Association [1985] I.C.R. 101, E.A.T. **Considered,** *Saunders v. Bakers, Food and Allied Workers' Union* [1986] I.C.R. 28; *Day v. Society of Graphical and Allied Trades 1982* [1986] I.C.R. 640

Howard v. Secretary of State for the Environment [1975] Q.B. 235; [1974] 2 W.L.R. 459; [1974] 1 All E.R. 644, C.A. **Applied,** *Seldun Transport Services Ltd. v. Baker* [1978] I.C.R. 1035

Howitt Transport Ltd. v. Transport and General Workers' Union [1973] I.C.R. 1, N.I.R.C. **Considered,** *Shipside (Ruthin) Ltd. v. TGWU* [1973] I.C.R. 503; *General Aviation Services (U.K.) Ltd. v. Transport and General Workers' Union* [1985] I.C.R. 615

Hubbard v. Pitt [1975] I.C.R. 77; [1976] Q.B. 142; [1975] 2 W.L.R. 254; [1975] 1 All E.R. 1056. **Decision of Forbes J. affirmed on different grounds** [1975] I.C.R. 308

Hubbard v. Pitt [1975] I.C.R. 308; [1976] Q.B. 142; [1975] 3 W.L.R. 201; [1975] 3 All E.R. 1, C.A. **Distinguished,** *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

Hughes v. Department of Health and Social Security [1984] I.C.R. 557, C.A. **Decision of the Court of Appeal reversed** [1985] I.C.R. 419

Hughes v. Department of Health and Social Security [1984] I.C.R. 557, 570, C.A. **Dictum of Slade L.J. considered,** *Barclays Bank Plc. v. O'Brien* [1994] I.C.R. 865

Hughes v. Department of Health and Social Security [1985] I.C.R. 419; [1985] A.C. 776; [1985] 2 W.L.R. 866, H.L.(E.). **Applied,** *Brooks v. British Telecommunications Plc.* [1991] I.C.R. 286; [1992] I.C.R. 414; *Barber v. Thames Television Plc.* [1992] I.C.R. 661

Hughes v. Greenwich London Borough Council (1992) 24 H.L.R. 605, C.A. **Decision of the Court of Appeal affirmed** [1994] I.C.R. 48

Hughes v. Lord Advocate [1963] A.C. 837; [1963] 2 W.L.R. 779; [1963] 1 All E.R. 705, H.L.(Sc.). **Considered,** *Jebson v. Ministry of Defence* [2000] I.C.R. 1220

Hugh-Jones v. St. John's College, Cambridge [1979] I.C.R. 848, E.A.T. **Applied,** *Roberts v. Tate & Lyle Food and Distribution Ltd.* [1983] I.C.R. 521

Humphreys v. Board of Managers of St. George's Church of England (Aided) Primary School [1978] I.C.R. 546, E.A.T. **Followed,** *Owen & Briggs v. James* [1981] I.C.R. 377

Hunt v. Broome [1973] I.C.R. 281; [1973] Q.B. 691; [1973] 2 W.L.R. 773; [1973] 2 All E.R. 1035, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1974] I.C.R. 84

Hunt v. Broome [1974] I.C.R. 84; [1974] A.C. 587; [1974] 2 W.L.R. 58; [1974] 1 All E.R. 314, H.L.(E.). **Applied,** *Kavanagh v. Hiscock* [1974] I.C.R. 282

Hunt v. Severs [1994] 2 A.C. 350, 358; [1994] 2 W.L.R. 602; [1994] 2 All E.R. 385, H.L.(E.). **Dicta of Lord Bridge of Harwich applied,** *Williams v. BOC Gases Ltd.* [2000] I.C.R. 1181

Hunter v. Chief Constable of the West Midlands Police [1982] A.C. 529; [1981] 3 W.L.R. 906; [1981] 3 All E.R. 727, H.L.(E.). **Applied,** *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485; *Iberian U.K. Ltd. v. B.P.B. Industries Plc.* [1997] I.C.R. 164

Hunter v. Smith's Dock Co. Ltd. [1968] 1 W.L.R. 1865; [1968] 2 All E.R. 81, D.C. **Applied,** *Kolatisis v. Rockware Glass Ltd.* [1974] I.C.R. 580
Distinguished, *Puttick v. John Wright & Sons (Blackwall) Ltd.* [1972] I.C.R. 457

Hussain v. New Taplow Paper Mills Ltd. [1987] I.C.R. 28; [1987] 1 W.L.R. 336; [1987] 1 All E.R. 417, C.A. **Decision of the Court of Appeal affirmed** [1988] I.C.R. 259

Hussain v. New Taplow Paper Mills Ltd. [1988] I.C.R. 259, 269; [1988] A.C. 514; [1988] 2 W.L.R. 266; [1988] 1 All E.R. 541, H.L.(E.). **Dicta of Lord Bridge of Harwich applied,** *Williams v. BOC Gases Ltd.* [2000] I.C.R. 1181
Distinguished, *Berriello v. Felixstowe Dock & Railway Co.* [1989] I.C.R. 467

Hydrotherm Gerätebau G.m.b.H. v. Compact del Dott. Ing. Mario Andreoli & C. s.a.s. (Case 170/83) [1984] E.C.R. 2999, E.C.J. **Applied,** *Viho Europe B.V. v. Commission of the European Communities* (Case T-102/92) [1995] I.C.R. 1050

Hyland v. J. H. Barker (North West) Ltd. [1985] I.C.R. 861, E.A.T. **Considered,** *Wilkinson v. Lugg* [1990] I.C.R. 599

IBC Vehicles Ltd. v. Khanum (unreported), 15 September 1999, E.A.T. **Followed,** *Tchoula v. ICTS (U.K.) Ltd.* [2000] I.C.R. 1191

I.P.C. Business Press Ltd. v. Gray [1977] I.C.R. 858, E.A.T. **Applied,** *Brown v. Southall & Knight* [1980] I.C.R. 617

Ibex Trading Co. Ltd. v. Walton [1994] I.C.R. 907, E.A.T. **Not followed,** *Morris v. John Grose Group Ltd.* [1998] I.C.R. 655

Iceland Frozen Foods Ltd. v. Jones [1983] I.C.R. 17, 24–25, E.A.T. **Applied,** *Campion v. Hamworthy Engineering Ltd.* [1987] I.C.R. 966; *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1; *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263; *Foley v. Post Office* [2000] I.C.R. 1283
Dictum of Browne-Wilkinson J. applied, *Neale v. Hereford and Worcester County Council* [1986] I.C.R. 471

Igbo v. Johnson, Matthey Chemicals Ltd. [1986] I.C.R. 82, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1986] I.C.R. 505

Iggesund Converters Ltd. v. Lewis [1984] I.C.R. 544, E.A.T. **Considered,** *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658

Ilkiw v. Samuels [1963] 1 W.L.R. 991; [1963] 2 All E.R. 879, C.A. **Followed,** *Rose v. Plenty* [1975] I.C.R. 430

Imperial Chemical Industries Ltd. v. Commission of the European Communities (Case 48/69) [1972] E.C.R. 619, E.C.J. **Applied,** *Viho Europe B.V. v. Commission of the European Communities* (Case T-102/92) [1995] I.C.R. 1050

Imperial Chemical Industries Ltd. v. Shatwell [1965] A.C. 656; [1964] 3 W.L.R. 329; [1964] 2 All E.R. 999, H.L.(E.). **Applied,** *McMullen v. National Coal Board* [1982] I.C.R. 148

Imperial Group Pension Trust Ltd. v. Imperial Tobacco Ltd. [1991] I.C.R. 524; [1991] 1 W.L.R. 589; [1991] 2 All E.R. 597. **Approved,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606
Considered, *British Coal Corpn. v. British Coal Staff Superannuation Scheme Trustees Ltd.* [1994] I.C.R. 537; *National Grid Co. Plc. v. Mayes* [2000] I.C.R. 174

Imperial London Hotels v. Cooper [1974] I.C.R. 199, N.I.R.C. **Distinguished,** *W.A. Armstrong & Sons Ltd. v. Borrill* [2000] I.C.R. 367

Industrial Development Consultants Ltd. v. Cooley [1972] 1 W.L.R. 443; [1972] 2 All E.R. 86. **Distinguished,** *University of Nottingham v. Fishel* [2000] I.C.R. 1462

Inland Revenue Comrs. v. Butterley Co. Ltd. [1957] A.C. 32; [1956] 2 W.L.R. 1101; [1956] 2 All E.R. 197, H.L.(E.). **Considered,** *General Electric Co. Ltd.v. Price Commission* [1975] I.C.R. 1

Inland Revenue Comrs. v. Hambrok [1956] 2 Q.B. 641; [1956] 2 W.L.R. 919; [1956] 1 All E.R. 807. **Applied,** *Knight v. Attorney-General* [1979] I.C.R. 194

Institute of the Motor Industry v. Harvey [1992] I.C.R. 470, E.A.T. **Considered,** *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629

Instone v. A. Schroeder Music Publishing Co. Ltd. [1974] 1 W.L.R. 1308; [1974] 3 All E.R. 616, H.L.(E.). **Applied,** *Watson v. Prager* [1991] I.C.R. 603

Interbulk Ltd. v. Aiden Shipping Co. Ltd. (The Vimerira) (Note) [1985] 2 Lloyd's Rep. 410, C.A. **Applied,** *Aparau v. Iceland Frozen Foods Plc.* [2000] I.C.R. 341

International Aviation Services (U.K.) Ltd. v. Jones [1979] I.C.R. 371, E.A.T. **Considered,** *Borden (U.K.) Ltd. v. Potter* [1986] I.C.R. 647

Irani v. Southampton and South West Hampshire Health Authority [1985] I.C.R. 590. **Distinguished,** *Alexander v. Standard Telephones & Cables Plc.* [1990] I.C.R. 291

Irving v. The Post Office [1987] I.R.L.R. 289, C.A. **Considered,** *Jones v. Tower Boot Co. Ltd.* [1997] I.C.R. 254

Irwin v. White, Tomkins & Courage Ltd. [1964] 1 W.L.R. 387; [1964] 1 All E.R. 545, H.L.(N.I.).
Applied, *Ballard v. Ministry of Defence* [1976] I.C.R. 54
Considered, *T.B.A. Industrial Products Ltd. v. Lainé* [1987] I.C.R. 75

Ivory v. Palmer [1975] I.C.R. 340, 354, C.A. **Considered,** *Norris v. Checksfield* [1991] I.C.R. 632
Dictum of Browne L.J. not followed, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755

Jackson v. Chief Adjudication Officer (Cases C-63 and 64/91) [1993] Q.B. 367; [1993] 2 W.L.R. 658; [1993] 3 All E.R. 265; [1992] E.C.R. I-4737, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471

Jalota v. Imperial Metal Industry (Kynoch) Ltd. [1979] I.R.L.R. 313, E.A.T. **Considered,** *West Midlands Passenger Transport Executive v. Singh* [1987] I.C.R. 837
Disapproved, *West Midlands Passenger Transport Executive v. Jaquant Singh* [1988] I.C.R. 614

James v. Eastleigh Borough Council [1989] I.C.R. 423; [1990] 1 Q.B. 61; [1989] 3 W.L.R. 123; C.A. **Decision of the Court of Appeal reversed** [1990] I.C.R. 554

James v. Eastleigh Borough Council [1989] I.C.R. 423; [1990] 1 Q.B. 61; [1989] 3 W.L.R. 123, C.A. **Applied,** *Barclays Bank Plc. v. James* [1990] I.C.R. 333

James v. Eastleigh Borough Council [1990] I.C.R. 554; [1990] 2 A.C. 751; [1990] 3 W.L.R. 55; [1990] 2 All E.R. 607, H.L.(E.). **Followed,** *Bullock v. Alice Ottley School* [1991] I.C.R. 838
Applied, *Chief Constable of Greater Manchester Police v. Hope* [1999] I.C.R. 338
Distinguished, *Dhatt v. McDonalds Hamburgers Ltd.* [1991] I.C.R. 238; *Bullock v. Alice Ottley School* [1993] I.C.R. 138; *Webb v. Emo Air Cargo (U.K.) Ltd.* [1993] I.C.R. 175; *Nagarajan v. London Regional Transport* [1999] I.C.R. 877

James v. Waltham Holy Cross Urban District Council [1973] I.C.R. 398, 404, N.I.R.C. **Dictum of Sir John Donaldson considered,** *Retarded Children's Aid Society Ltd. v. Day* [1978] I.C.R. 437

Janata Bank v. Ahmed (Qutubuddin) [1981] I.C.R. 791, C.A. **Applied,** *Addison v. Denholm Ship Management (U.K.) Ltd.* [1997] I.C.R. 770: *Carver v. Saudi Arabian Airlines* [1999] I.C.R. 991

Janstorp International (U.K.) Ltd. v. Allen [1990] I.C.R. 779, 785, E.A.T. **Not applied,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331

Jarvis v. Swans Tours Ltd. [1973] Q.B. 233; [1972] 3 W.L.R. 954; [1973] 1 All E.R. 71, C.A. **Distinguished,** *Bliss v. South East Thames Regional Health Authority* [1987] I.C.R. 700

Jefferson v. Bhetcha [1979] 1 W.L.R. 898; [1979] 2 All E.R. 1108, C.A. **Applied,** *R. v. British Broadcasting Corpn., Ex parte Lavelle* [1983] I.C.R. 99

Jefford v. Gee [1970] 2 Q.B. 130; [1970] 2 W.L.R. 702; [1970] 1 All E.R. 1202, C.A. **Applied,** *Clarke v. Rotax Aircraft Equipment Ltd.* [1975] I.C.R. 440

Jenkins v. Kingsgate (Clothing Productions) Ltd. (Case 96/80) [1981] I.C.R. 592; [1981] 1 W.L.R. 972; [1981] E.C.R. 911, E.C.J. **Applied,** *Bilka-Kaufhaus G.m.b.H. v. Weber von Hartz* (Case 170/84) [1987] I.C.R. 110; *Rainey v. Greater Glasgow Health Board* [1987] I.C.R. 129
Considered, *Albion Shipping Agency v. Arnold* [1982] I.C.R. 22
Distinguished, *Newstead v. Department of Transport* (Case 192/84) [1988] I.C.R. 332

Jobling v. Associated Dairies Ltd. [1982] A.C. 794; [1981] 3 W.L.R. 155; [1981] 2 All E.R. 752, H.L.(E.). **Distinguished,** *Lucas v. Lawrence Scott & Electromotors Ltd.* [1983] I.C.R. 309

Joel v. Morison (1834) 6 C. & P. 501. **Distinguished,** *Harrison v. Michelin Tyre Co. Ltd.* [1985] I.C.R. 696

Johns v. Martin Simms (Cheltenham) Ltd. [1983] I.C.R. 305; [1983] 1 All E.R. 127. **Applied,** *Williams v. West Wales Plant Hire Co. Ltd.* [1985] I.C.R. 6

Johnson v. Chief Adjudication Officer (Case C-410/92) [1995] I.C.R. 375; [1994] E.C.R. I-5483, E.C.J. **Considered,** *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799; *Magorrian v. Eastern Health and Social Services Board* (Case C-246/96) [1998] I.C.R. 979

Johnson v. Nottinghamshire Combined Police Authority [1974] I.C.R. 170; [1974] 1 W.L.R. 358; [1974] 1 All E.R. 1082, C.A. **Applied,** *Lesney Products & Co. Ltd. v. Nolan* [1977] I.C.R. 235
Considered, *Dugdale v. Kraft Foods Ltd.* [1977] I.C.R. 48; *Macfisheries Ltd. v. Findlay* [1985] I.C.R. 160

Johnston v. Chief Constable of the Royal Ulster Constabulary (Case 222/84) [1987] I.C.R. 83, 101. paras. 17–19; [1987] Q.B. 129; [1986] 3 W.L.R. 1038; [1986] E.C.R. 1651; [1986] 3 All E.R. 135, E.C.J. **Applied,** *Coote v. Granada Hospitality Ltd.* (Case C-185/97) [1999] I.C.R. 100
Considered, *Foster v. British Gas Plc.* [1988] I.C.R. 584; *Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2)* [1990] I.C.R. 6; [1991] I.C.R. 136

Jolley v. Sutton London Borough Council [2000] 1 W.L.R. 1082; [2000] 3 All E.R. 409, H.L.(E.). **Applied,** *Jebson v. Ministry of Defence* [2000] I.C.R. 1220

Jones v. Associated Tunnelling Co. Ltd. [1981] I.R.L.R. 477, E.A.T. **Approved,** *Courtaulds Northern Spinning Ltd. v. Sibson* [1988] I.C.R. 451

Jones v. Attorney-General [1974] Ch. 148; [1973] 3 W.L.R. 608; [1973] 3 All E.R. 518, C.A. **Applied,** *Commission for Racial Equality v. Amari Plastics Ltd.* [1981] I.C.R. 767

Jones v. Chief Adjudication Officer [1990] I.R.L.R. 533, 537, C.A. **Dicta of Mustill L.J. considered,** *University of Manchester v. Jones* [1993] I.C.R. 474

Jones v. Governing Body of Burdett Coutts School [1997] I.C.R. 390, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1999] I.C.R. 38

Jones v. Mid-Glamorgan County Council [1997] I.C.R. 417, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 815

Jones v. Tower Boot Co. Ltd. [1997] I.C.R. 254; [1997] 2 All E.R. 406, C.A. **Applied,** *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073; *Chief Constable of Lincolnshire Police v. Stubbs* [1999] I.C.R. 547

Jones v. Wagon Repairs Ltd. (1968) 3 I.T.R. 361, D.C. **Not followed,** *Hebden v. Forsey & Son* [1973] I.C.R. 607

Jones v. Wrotham Park Settled Estates [1980] A.C. 74; [1979] 2 W.L.R. 132; [1979] 1 All E.R. 286, H.L.(E.). **Considered,** *Benton v. Sanderson Kayser Ltd.* [1989] I.C.R. 136

Jowett v. Earl of Bradford [1977] I.C.R. 342; [1977] 2 All E.R. 33, E.A.T. **Applied,** *Firestone Tyre & Rubber Co. Ltd. v. Challoner* [1978] I.C.R. 175
Considered, *Hanks v. Ace High Productions Ltd.* [1978] I.C.R. 1155

Jowett v. Earl of Bradford (No. 2) [1978] I.C.R. 431, E.A.T. **Not followed,** *Iceland Frozen Foods Ltd. v. Jones* [1983] I.C.R. 17

Jowett (Angus) & Co. Ltd. v. National Union of Tailors and Garment Workers [1985] I.C.R. 646, E.A.T. **Not followed,** *Kerry Foods Ltd. v. Creber* [2000] I.C.R. 556

Joyce v. Boots Cash Chemists (Southern) Ltd. [1950] 2 All E.R. 719, 721. **Dictum of Slade J. not applied,** *R. v. A.I. Industrial Products Ltd.* [1987] I.C.R. 418

Judge v. Bennett (1887) 36 W.R. 103, D.C. **Considered,** *R. v. Jones (John)* [1974] I.C.R. 310

Junior Books Ltd. v. Veitchi Co. Ltd. [1983] 1 A.C. 520; [1982] 3 W.L.R. 477; [1982] 3 All E.R. 201, H.L.(Sc.). **Considered,** *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7

Kammins Ballrooms Co. Ltd. v. Zenith Investments (Torquay) Ltd. [1971] A.C. 850; [1970] 3 W.L.R. 287; [1970] 2 All E.R. 871, H.L.(E.). **Considered,** *Grimes v. Sutton London Borough Council* [1973] I.C.R. 240

Kanda v. Government of Malaya [1962] A.C. 322, 337; [1962] 2 W.L.R. 1153, P.C. **Dictum applied,** *Stevenson v. United Road Transport Union* [1977] I.C.R. 893

Katsikas v. Konstantindis (Cases C-132, 138 and 139/91) [1992] I.C.R. I-6577, E.C.J. **Applied,** *Merckx v. Ford Motors Co. (Belgium) S.A.* (Case C-171/94) [1997] I.C.R. 352

Kelly v. Northern Ireland Housing Executive [1997] N.I. 125, C.A.(N.I.). **Decision of the Court of Appeal in Northern Ireland reversed in part** [1998] I.C.R. 828

Kemp v. Shipton Automation Ltd. [1976] I.C.R. 514, E.A.T. **Applied,** *Trend v. Chilton Hunt Ltd.* [1977] I.C.R. 612
Considered, *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 662; *Nudds v. W. & J. B. Eastwood Ltd.* [1978] I.C.R. 171

Kenmir Ltd. v. Frizzell [1968] 1 W.L.R. 329; [1968] 1 All E.R. 414, D.C. **Applied,** *Port Talbot Engineering Co. Ltd. v. Passmore* [1975] I.C.R. 234; *Rastill v. Automatic Refreshment Services Ltd.* [1978] I.C.R. 289
Considered, *S.I. Systems & Instrumentation Ltd. v. Grist* [1983] I.C.R. 788

Kenny v. Hampshire Constabulary [1999] I.C.R. 27, 37, E.A.T. **Dicta of Morison J. considered,** *Baynton v. Saurus General Engineers Ltd.* [2000] I.C.R. 375

enny v. Vauxhall Motors Ltd. [1983] I.C.R. 560. **Decision of Kilner Brown J. affirmed** [1985] I.C.R. 535

err v. National Coal Board, 1968 S.L.T. 49. **Considered,** *Jennings v. National Coal Board* [1983] I.C.R. 636

etteman v. Hansel Properties Ltd. [1987] A.C. 189; [1987] 2 W.L.R. 312; [1988] 1 All E.R. 38, H.L.(E.). **Distinguished,** *Linbourne v. Constable* [1993] I.C.R. 698

eys v. Boulter (No. 2) [1972] 1 W.L.R. 642; [1972] 2 All E.R. 303. **Considered,** *Burnley Nelson Rossendale and District Textile Workers' Union v. Amalgamated Textile Workers' Union* [1987] I.C.R. 69

han v. General Medical Council [1993] I.C.R. 627, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 1032

hanna v. Ministry of Defence [1981] I.C.R. 653, 658, 659A, E.A.T. **Dicta of Browne-Wilkinson J. approved,** *Baker v. Cornwall County Council* [1990] I.C.R. 452
Applied, *British Gas v. Sharma* [1991] I.C.R. 19
Doubted, *Morris v. London Iron and Steel Co. Ltd.* [1987] I.C.R. 855
Dicta of Browne-Wilkinson J. not applied, *Glasgow City Council v. Zafar* [1998] I.C.R. 120

hanum v. Mid-Glamorgan Area Health Authority [1979] I.C.R. 40, E.A.T. **Considered,** *Vauxhall Motors Ltd. v. Ghafoor* [1993] I.C.R. 376

ing v. Great Britain-China Centre [1992] I.C.R. 516, 528-529, C.A. **Dicta of Neill L.J. applied** *Glasgow City Council v. Zafar* [1998] I.C.R. 120

ing-Ansell v. Police [1979] 2 N.Z.L.R. 531, 543. **Dictum of Richardson J. applied,** *Mandla (Sewa Singh) v. Dowell Lee* [1983] I.C.R. 385

ingston v. British Railways Board [1982] I.C.R. 392, E.A.T. **Decision of the Employment Appeal Tribunal varied** [1984] I.C.R. 781

irby v. Manpower Services Commission [1980] I.C.R. 420; [1980] 1 W.L.R. 725; [1980] 3 All E.R. 334, E.A.T. **Overruled,** *Aziz v. Trinity Street Taxis Ltd.* [1988] I.C.R. 534
Distinguished, *Owen & Briggs v. James* [1982] I.C.R. 618

itchen Design and Advice Ltd. v. Lea Valley Water Co. [1989] 2 Lloyd's Rep. 221, 224. **Dicta of Phillips J. followed,** *Bank of Credit and Commerce International S.A. v. Ali* [1999] I.C.R. 1068

night v. Attorney-General [1979] I.C.R. 194, E.A.T. **Considered,** *Arthur v. Attorney-General* [1999] I.C.R. 631

nightley v. Johns [1982] 1 W.L.R. 349; [1982] 1 All E.R. 851, C.A. **Distinguished,** *Hughes v. National Union of Mineworkers* [1991] I.C.R. 669

nowles v. Fire Brigades Union [1996] I.R.L.R. 337, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 595

nowles v. Liverpool City Council [1993] I.C.R. 21, C.A. **Decision of the Court of Appeal affirmed** [1994] I.C.R. 243

ondis v. State Transport Authority (1984) 55 A.L.R. 225. **Applied,** *McDermid v. Nash Dredging & Reclamation Co. Ltd.* [1986] I.C.R. 525

ooragang Investments Pty. Ltd. v. Richardson & Wrench Ltd. [1982] A.C. 462, 471; [1981] 3 W.L.R. 493; [1981] 3 All E.R. 65, P.C. **Dictum of Lord Wilberforce applied,** *In re Ready Mixed Concrete* [1991] I.C.R. 52

ossinski v. Chrysler United Kingdom Ltd. (1973) 15 K.I.R. 225, C.A. **Applied,** *Bailey v. Rolls Royce(1971) Ltd.* [1984] I.C.R. 688

oua Poirrez v. Caisse d'Allocations Familiales de la Seine-Saint-Denis (Case C-206/91) [1992] E.C.R. I-6685, E.C.J. **Applied,** *Uecker v. Land Nordrhein- Westfalen* (Case C-64/96) [1997] I.C.R. 1025

ournavous v. J. R. Masterton & Sons (Demolition) Ltd. [1990] I.C.R. 387, E.A.T. **Applied in part,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] I.C.R. 331
Considered, *Janstorp International (U.K.) Ltd. v. Allen* [1990] I.C.R. 779
Not followed, *Foster Wheeler (London) Ltd. v. Jackson* [1990] I.C.R. 757

owalska v. Freie und Hansestadt Hamburg (Case C-33/89) [1992] I.C.R. 29; [1990] E.C.R. I-2591, E.C.J. **Applied,** *Mediguard Services Ltd. v. Thame* [1994] I.C.R. 751; *Barry v. Midland Bank Plc.* [1999] I.C.R. 859
Considered, *Barry v. Midland Bank Plc.* [1999] I.C.R. 319

umchyk v. Derby City Council [1978] I.C.R. 1116, E.A.T. **Applied,** *Divine-Bortey v. Brent London Borough Council* [1998] I.C.R. 886.
Considered, *House v. Emerson Electric Industrial Controls* [1980] I.C.R. 795

Kuratorium für Dialyse und Nierentransplantation e.V. v. Lewark (Case C-457/93) [1996] E.C.R. 1-243, E.C.J. **Considered,** *Barry v. Midland Bank Plc.* [1999] I.C.R. 859; *Davies v. Neath Port Talbot County Borough Council* [1999] I.C.R. 1132

Kwik Save Stores Ltd. v. Greaves [1997] I.C.R. 629, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 848

Kwik Save Stores Ltd. v. Swain [1997] I.C.R. 49, E.A.T. **Followed,** *Tull v. Severin* [1998] I.C.R. 1037; *Halfpenny v. JGE Medical Systems Ltd.* [1999] I.C.R. 834

Labour Party v. Oakley [1987] I.C.R. 178, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1988] I.C.R. 403

Ladd v. Marshall [1954] 1 W.L.R. 1489, 1491; [1954] 3 All E.R. 745, C.A. **Dictum of Denning L.J. applied,** *Wileman v. Minilec Engineering Ltd.* [1988] I.C.R. 318
Distinguished, *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485

Lake v. Essex County Council [1978] I.C.R. 657, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 577

Lake v. Essex County Council [1979] I.C.R. 577, C.A. **Applied,** *Girls Public Day School Trust v. Khanna* [1987] I.C.R. 339

Lambeth London Borough Council v. Commission for Racial Equality [1989] I.C.R. 641, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1990] I.C.R. 768

Lamont v. Fry's Metals Ltd. [1983] I.C.R. 778, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1985] I.C.R. 566

Lamont v. Fry's Metals Ltd. [1985] I.C.R. 566, C.A. **Considered,** *Arthur Guinness Son & Co. (Great Britain) Ltd. v. Green* [1989] I.C.R. 241
Distinguished, *Gutzmore v. J. Wardley (Holdings) Ltd.* [1993] I.C.R. 581

Land v. West Yorkshire Metropolitan County Council [1979] I.C.R. 452, E.A.T. **Decision of the Employment Appeal Tribunal reversed on the issue of dismissal** [1981] I.C.R. 334

Landsorganisationen i Danmark v. Ny Mølle Kro (Case 287/96) [1989] I.C.R. 330; [1987] E.C.R. 5465, E.C.J. **Applied,** *Berg v. Besselsen* (Case 144/87) [1990] I.C.R. 396; *Allen v. Amalgamated Construction Co Ltd.* (Case C-234/98) [2000] I.C.R. 436

Lang (Charles) & Sons Ltd. v. Aubrey [1978] I.C.R. 168, E.A.T. **Followed,** *Lowson v. Percy Main & District Social Club & Institute Ltd.* [1979] I.C.R. 568

Langston v. AUEW [1973] I.C.R. 211; [1973] 1 W.L.R. 521; [1973] 2 All E.R. 430, N.I.R.C. **Decision of the National Industrial Relations Court reversed in part** [1974] I.C.R. 180

Lansing Linde Ltd. v. Kerr [1991] I.C.R. 428; [1991] 1 W.L.R. 251; [1991] 1 All E.R. 418, C.A. **Applied,** *Credit Suisse Asset Management Ltd. v. Armstrong* [1996] I.C.R. 882

Larkin v. Belfast Harbour Comrs. [1908] 2 I.R. 214. **Applied,** *British Airports Authority v. Ashton* [1983] I.C.R. 696

Larner v. London County Council [1949] 2 K.B. 683; [1949] 1 All E.R. 964, C.A. **Applied,** *Secretary of State for Employment v. Wellworthy Ltd. (No. 2)* [1976] I.C.R. 13

Lassman v. Secretary of State for Trade and Industry [1996] I.C.R. 416, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [2000] I.C.R. 1109

Lavarack v. Woods of Colchester Ltd. [1967] 1 Q.B. 278; [1966] 3 W.L.R. 706; [1966] 3 All E.R. 683, C.A. **Considered,** *Secretary of State for Employment v. Jobling* [1980] I.C.R. 380. **Distinguished,** *York Trailer Co. Ltd. v. Sparkes* [1973] I.C.R. 518

Lavery v. Plessey Telecommunications Ltd. [1982] I.C.R. 373, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1983] I.C.R. 534

Lavery v. Plessey Telecommunications Ltd. [1982] I.C.R. 373, E.A.T.; [1983] I.C.R. 534, C.A. **Considered,** *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629

Lavery v. Plessey Telecommunications Ltd. [1983] I.C.R. 534, C.A. **Applied,** *Dowuona v. John Lewis Plc.* [1987] I.C.R. 788

Lawlor v. Union of Post Office Workers [1965] Ch. 712; [1965] 2 W.L.R. 579; [1965] 1 All E.R. 353. **Applied,** *Radford v. NATSOPA* [1972] I.C.R. 484

Lawrence David Ltd. v. Ashton [1989] I.C.R. 123, 135; [1991] 1 All E.R. 123, 135, C.A. **Dictum of Balcombe L.J. applied,** *Lansing Linde Ltd. v. Kerr* [1991] I.C.R. 428

awton v. B.O.C. Transhield Ltd. [1987] I.C.R. 7; [1987] 2 All E.R. 608. **Considered,** *Spring v. Guardian Assurance Plc.* [1994] I.C.R. 596
Overruled, *Spring v. Guardian Assurance Plc.* [1993] I.C.R. 412

ayton v. Shires [1960] 2 Q.B. 294; [1959] 3 W.L.R. 949; [1959] 3 All E.R. 587, D.C. **Distinguished,** *Brown v. Southall & Knight* [1980] I.C.R. 617

eary v. National Union of Vehicle Builders [1971] Ch. 34; [1970] 3 W.L.R. 434; [1970] 2 All E.R. 713. **Distinguished,** *Roebuck v. National Union of Mineworkers* [1977] I.C.R. 573

edernes Hovedorganisation v. Dansk Arbejdsigiverforening (Rygaard's Case) (Case C-48/94) [1996] I.C.R. 333; [1995] E.C.R. I-2745, E.C.J. **Applied,** *Allen v. Amalgamated Construction Co. Ltd.* (Case C-234/98) [2000] I.C.R. 436

ee v. Nursery Furnishings Ltd. [1954] 1 All E.R. 387, C.A. **Considered,** *Owen v. Crown House Engineering Ltd.* [1973] I.C.R. 511

ee v. Showmen's Guild of Great Britain [1952] 2 Q.B. 329; [1952] 1 All E.R. 1175, C.A. **Applied,** *Radford v. NATSOPA* [1972] I.C.R. 484; *Esterman v. National and Local Government Officers Association* [1974] I.C.R. 625

ee Ting Sang v. Chung Chi-Keung [1988] 2 H.K.L.R. 476. **Decision of the Court of Appeal of Hong Kong reversed** [1990] I.C.R. 409

ee Ting Sang v. Chung Chi-Keung [1990] I.C.R. 409; [1990] 2 A.C. 374; [1990] 2 W.L.R. 1173, P.C. **Considered,** *Hall v. Lorimer* [1992] I.C.R. 739; [1994] I.C.R. 218

ees v. Arthur Greaves (Lees) Ltd. [1974] I.C.R. 501; [1974] 2 All E.R. 393, C.A. **Considered,** *Belling & Lee Ltd. v. Burford* [1982] I.C.R. 454

eigh v. National Union of Railwaymen [1970] Ch. 326; [1970] 2 W.L.R. 60; [1969] 3 All E.R. 1249. **Applied,** *Radford v. NATSOPA* [1972] I.C.R. 484

eigh and Sillavan Ltd. v. Aliakmon Shipping Co. Ltd. [1986] A.C. 785, 815; [1986] 2 W.L.R. 902; [1986] 2 All E.R. 145, H.L.(E.). **Dictum of Lord Brandon of Oakbrook applied,** *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

eighton v. Construction Industry Training Board [1978] I.C.R. 577; [1978] 2 All E.R. 723, E.A.T. **Considered,** *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626

eighton v. Michael [1995] I.C.R. 1091, E.A.T. **Considered,** *Hall v. Woolston Hall Leisure Ltd.* [1998] I.C.R. 651

enham v. National Coal Board [1972] I.C.R. 415, N.I.R.C. **Considered,** *TSA v. Post Office* [1973] I.C.R. 173

eonard (Cyril) & Co. v. Simo Securities Trust Ltd. [1972] 1 W.L.R. 80; [1971] 3 All E.R. 1313, C.A. **Distinguished,** *W. Devis & Sons Ltd. v. Atkins* [1976] I.C.R. 196

ep Air Services Ltd. v. Rolloswin Investments Ltd. [1973] A.C. 331; [1972] 2 W.L.R. 1175; [1972] 2 All E.R. 393, H.L.(E.). **Applied,** *Rosool v. Hepworth Pipe Co. Ltd.* [1980] I.C.R. 494

everton v. Clwyd County Council [1987] I.C.R. 158; [1987] 1 W.L.R. 65, E.A.T. **Considered,** *Lawson v. Britfish Ltd.* [1987] I.C.R. 726

everton v. Clwyd County Council [1989] I.C.R. 33, 44; [1989] A.C. 706; [1989] 2 W.L.R. 47; [1989] 1 All E.R. 78, C.A. and H.L.(E.). **Dicta of May L.J. considered,** *British Coal Corpn. v. Smith* [1994] I.C.R. 810

everton v. Clwyd County Council [1989] I.C.R. 33; [1989] A.C. 706; [1989] 2 W.L.R. 47; [1989] 1 All E.R. 78, H.L.(E.). **Applied,** *Sheffield Metropolitan District Council v. Siberry* [1989] I.C.R. 208; *Barclays Bank Plc. v. James* [1990] I.C.R. 333; *British Coal Corpn. v. Smith* [1996] I.C.R. 515

evesley v. Thomas Firth and John Brown Ltd. [1953] 1 W.L.R. 1206; [1953] 2 All E.R. 866, C.A. **Considered,** *Cox v. H. C. B. Angus Ltd.* [1981] I.C.R. 683

evez v. T. H. Jennings (Harlow Pools) Ltd. (Case C-326/96) [1999] I.C.R. 521, 545–546, paras. 43–48; [1998] E.C.R. I-7835, E.C.J. **Applied,** *Levez v. T. H. Jennings (Harlow Pools) Ltd.* [2000] I.C.R. 58
Dicta applied, *Preston v. Wolverhampton Healthcare N.H.S. Trust* (Case C-78/98) [2000] I.C.R. 961

evin v. Staatssecretaris van Justitie (Case 53/81) [1982] E.C.R. 1035, E.C.J. **Applied,** *Lawrie-Blum v. Land Baden-Württemberg* (Case 66/85) [1987] I.C.R. 483

ewis, *Ex parte* (1888) 21 Q.B.D. 191, D.C. **Applied,** *Hubbard v. Pitt* [1975] I.C.R. 77

ewis v. Motorworld Garages Ltd. [1986] I.C.R. 157, C.A. **Approved,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606

Lewis Shops Group v. Wiggins [1973] I.C.R. 335, N.I.R.C. **Applied,** *Littlewoods Organisation Ltd. v. Egenti* [1976] I.C.R. 516

Lewisham and Guys Mental Health N.H.S. Trust v. Andrews (decd.) [1999] I.C.R. 774, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [2000] I.C.R. 707

Limpus v. London General Omnibus Co. (1862) 1 H. & C. 526. **Followed,** *Rose v. Plenty* [1975] I.C.R. 430

Lincoln v. Hayman [1982] 1 W.L.R. 488; [1982] 2 All E.R. 819, C.A. **Considered,** *Palfrey v. Greater London Council* [1985] I.C.R. 437

Line v. C. E. White & Co. (1969) 4 I.T.R. 336, D.C. **Not followed,** *Chapman v. Goonvean and Rostowrack China Clay Co. Ltd.* [1973] I.C.R. 50
Overruled, *Chapman v. Goonvean and Rostowrack China Clay Co. Ltd.* [1973] I.C.R. 310

Linfood Cash & Carry Ltd. v. Thomson [1989] I.C.R. 518, E.A.T. **Considered,** *Louies v. Coventry Hood & Seating Co. Ltd.* [1990] I.C.R. 54

Lister v. Romford Ice and Cold Storage Co. Ltd. [1957] A.C. 555; [1957] 2 W.L.R. 158; [1957] 1 All E.R. 125, H.L.(E.). **Applied,** *Janata Bank v. Ahmed (Qutubudding)* [1981] I.C.R. 791; *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61

Litster v. Forth Dry Dock & Engineering Co. Ltd. [1988] I.R.L.R. 289. **Decision of the Second Division of the Inner House of the Court of Session reversed** [1989] I.C.R. 341

Litster v. Forth Dry Dock & Engineering Co. Ltd. [1989] I.C.R. 341; [1990] 1 A.C. 546; [1989] 2 W.L.R. 634; [1989]1 All E.R. 1134, H.L.(Sc.). **Applied,** *Harrison Bowden Ltd. v. Bowden* [1994] I.C.R. 186; *Wilson v. St. Helens Borough Council* [1998] I.C.R. 387; *In re Maxwell Fleet and Facilities Management Ltd.* [2000] I.C.R. 717
Considered, *Hancill v. Marcon Engineering Ltd.* [1990] I.C.R. 103; *Macer v. Abafast Ltd.* [1990] I.C.R. 234; *Ibex Trading Co. Ltd. v. Walton* [1994] I.C.R. 907; *Wilson v. St. Helens Borough Council* [1998] I.C.R. 1141; *Kerry Foods Ltd. v. Creber* [2000] I.C.R. 556; *Lassman v. Secretary of State for Trade and Industry* [2000] I.C.R. 1109

Littrell v. United States of America (No. 2) [1995] 1 W.L.R. 82; [1994] 4 All E.R. 203, C.A. **Applied,** *Arab Republic of Egypt v. Gamal-Eldin* [1996] I.C.R. 13

Liverpool City Council v. Irwin [1977] A.C. 239; [1976] 2 W.L.R. 562; [1976] 2 All E.R. 39, H.L.(E.). **Applied,** *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626; *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897
Distinguished, *Tadd v. Eastwood* [1985] I.C.R. 132

Liverpool and London and Globe Insurance Co. v. Bennett [1913] A.C. 610, H.L.(E.). **Considered,** *General Electric Co. Ltd. v. Price Commission* [1975] I.C.R. 1

Lloyd v. Brassey [1969] 2 Q.B. 98; [1969] 2 W.L.R. 310; [1969] 1 All E.R. 382, C.A. **Applied,** *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63
Distinguished, *Woodhouse v. Peter Brotherhood Ltd.* [1972] I.C.R. 186; *Port Talbot Engineering Co. Ltd. v. Passmore* [1975] I.C.R. 234; Allman v. Rowland [1977] I.C.R. 201

Lloyd v. McMahon [1987] A.C. 625, 702–703; [1987] 2 W.L.R. 821; [1987] 1 All E.R. 1118, H.L.(E.). **Dicta of Lord Bridge of Harwich applied,** *R. v. Civil Service Appeal Board, Ex parte Cunningham* [1992] I.C.R. 816

Lloyds Bank Ltd. v. Secretary of State for Employment [1979] I.C.R. 258; [1979] 1 W.L.R. 498; [1979] 2 All E.R. 573, E.A.T. **Applied,** *Young v. Daniel Thwaites & Co. Ltd.* [1977] I.C.R. 877
Considered, *Corton House Ltd. v. Skipper* [1981] I.C.R. 307

Lock v. Cardiff Railway Co. Ltd. [1998] I.R.L.R. 358, E.A.T. **Distinguished,** *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263

Logabax Ltd. v. Titherley [1977] I.C.R. 369, E.A.T. **Followed,** *Holland v. Glendale Industries Ltd.* [1998] I.C.R. 493
Applied, *Walker v. Josiah Wedgwood & Sons Ltd.* [1978] I.C.R. 744
Explained, *Whetherall (Bond St. WI) Ltd. v. Lynn* [1978] I.C.R. 205

London General Cab Co. v. Inland Revenue Comrs. [1950] 2All E.R. 566. **Considered,** *Challinor v. Taylor* [1972] I.C.R. 129

London Transport Executive v. Clarke [1980] I.C.R. 532, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1981] I.C.R. 355

London Transport Executive v. Clarke [1980] I.C.R. 532, 540, E.A.T. **Dicta of May J. considered,** *Cowley v. Manson Timber Ltd.* [1994] I.C.R. 252

ondon Transport Executive v. Clarke [1981] I.C.R. 355, 368, C.A. **Applied,** *Norris v. Southampton City Council* [1982] I.C.R. 177

Dictum of Templeman L.J. applied, *Dietman v. Brent London Borough Council* [1987] I.C.R. 737

ondon Underground Ltd. v. Edwards (No. 2) [1997] I.R.L.R. 157, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1999] I.C.R. 494

ondonderry's Settlement, *In re* [1965] Ch. 918; [1965] 2 W.L.R. 229; [1964] 3 All E.R. 855, C.A. **Applied,** *Edge v. Pensions Ombudsman* [2000] I.C.R. 748

ongden v. British Coal Corpn. [1995] I.C.R. 957, C.A. **Decision of the Court of Appeal reversed in part** [1998] I.C.R. 26

ongden v. Ferrari Ltd. [1994] I.C.R. 443, E.A.T. **Considered,** *In re Maxwell Fleet and Facilities Management Ltd.* [2000] I.C.R. 717

ongley v. National Union of Journalists [1987] I.R.L.R. 109, C.A. **Applied,** *Ali v. Southwark London Borough Council* [1988] I.C.R. 567

onrho Ltd. v. Shell Petroleum Co. Ltd. [1980] Q.B. 358; [1980] 2 W.L.R. 367, C.A. **Considered,** *Rolls-Royee Plc. v. Doughty* [1987] I.C.R. 932

onrho Ltd. v. Shell Petroleum Co. Ltd. [1980] 1 W.L.R. 627, H.L.(E.). **Applied,** *Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 2)* [1993] I.C.R. 385

onrho Ltd. v. Shell Petroleum Co. Ltd. (No. 2) [1982] A.C. 173, 185; [1981] 3 W.L.R. 33; [1981] 2 All E.R. 456, H.L.(E.) **Dictum of Lord Diplock applied,** *Richardson v. Pitt-Stanley* [1995] I.C.R. 303

oughran v. Northern Ireland Housing Executive [1997] N.I. 125, C.A.(N.I.). **Decision of the Court of Appeal in Northern Ireland affirmed** [1998] I.C.R. 828

ouies v. Coventry Hood & Seating Co. Ltd. [1990] I.C.R. 54, C.A. **Considered,** *Vauxhall Motors Ltd. v. Ghafoor* [1993] I.C.R. 376

owe v. Scruttons Ltd. [1953] 1 Lloyd's Rep. 342. **Considered,** *Smith v. British Aerospace* [1982] I.C.R. 98

owndes v. Specialist Heavy Engineering Ltd. [1977] I.C.R. 1, 4, E.A.T. **Dictum doubted,** *Hollister v. National Farmers' Union* [1979] I.C.R. 542

umley v. Gye (1853) 2 E. & B. 216. **Distinguished,** *Middlebrook Mushrooms Ltd. v. Transport and General Workers' Union* [1993] I.C.R. 612

umley v. Wagner (1852) 1 De G.M. & G. 604. **Applied,** *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905; *Warren v. Mendy* [1989] I.C.R. 525

upetti v. Wrens Old House Ltd. [1984] I.C.R. 348, E.A.T. **Applied,** *Gloucester Working Men's Club & Institute v. James* [1986] I.C.R. 603

Distinguished, *Cast v. Croydon College* [1998] I.C.R. 77

uxor (Eastbourne) Ltd. v. Cooper [1941] A.C. 108; [1941] 1 All E.R. 33, H.L.(E.). **Applied,** *Hughes v. Greenwich London Borough Council* [1994] I.C.R. 48

yall v. Edwards (1861) 6 H. & N. 337. **Applied,** *Bank of Credit and Commerce International S.A. v. Ali* [2000] I.C.R. 1410

yons (J.) & Sons v. Wilkins [1896] 1 Ch. 811, C.A.; [1899] 1 Ch. 255, C.A. **Considered,** *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

yons (J.) & Sons v. Wilkins [1899] 1 Ch. 255, C.A. **Considered,** *Hubbard v. Pitt* [1975] I.C.R. 308

HC Consulting Services Ltd. v. Tansell [1999] I.C.R. 1211, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [2000] I.C.R. 789

. v. Vincent [1998] I.C.R. 73, E.A.T. **Considered,** *Leicester University v. A*[1999] I.C.R. 701

Doubted, *R. v. London (North) Industrial Tribunal, Ex parte Associated Newspapers Ltd.* [1998] I.C.R. 1212

cAlwane v. Boughton Estates Ltd. [1973] I.C.R. 470; [1973] 2 All E.R. 299, N.I.R.C. **Applied,** *Lees v. Arthur Greaves (Lees) Ltd.* [1974] I.C.R. 501

Considered, *Tunnel Holdings Ltd. v. Woolf* [1976] I.C.R. 387

cArdle v. Andmac Roofing Co. [1967] 1 W.L.R. 356; [1967] 1 All E.R. 583, C.A. **Considered,** *Clare v. L. Whittaker & Sons (London) Ltd.* [1976] I.C.R. 1

cCamley v. Cammell Laird Shipbuilders Ltd. [1990] 1 W.L.R. 963; [1990] 1 All E.R. 854, C.A. **Distinguished,** *Williams v. BOC Gases Ltd. [2000] I.C.R. 1181*

cConnell v. Police Authority for Northern Ireland [1997] I.R.L.R. 625, C.A. (N.I.). **Considered,** *Tchoula v. ICTS (U.K.) Ltd. [2000] I.C.R. 1191*

McKnight v. Adlestones (Jewellers) Ltd. [1984] I.R.L.R. 453, C.A.(N.I.) **Approved,** *Halfpenny v. IGE Medical Systems Ltd.* [1999] I.C.R. 834

Macarthys Ltd. v. Smith [1978] I.C.R. 500; [1978] 1 W.L.R. 849; [1978] 2 All E.R. 746, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 672

Macarthys Ltd. v. Smith [1979] I.C.R. 785; [1979] 1 W.L.R. 1189; [1979] 3 All E.R. 325, C.A. **Considered,** *Albion Shipping Agency v. Arnold* [1982] I.C.R. 22

Macarthys Ltd. v. Smith (Case 129/79) [1980] I.C.R. 672; [1981] Q.B. 180; [1980] 3 W.L.R. 929; [1981] 1 All E.R. 111, E.C.J. and C.A. **Applied,** *Albion Shipping Agency v. Arnold* [1982] I.C.R. 22; *Pickstone v. Freemans Plc.* [1987] I.C.R. 867
Considered, *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179; *Diocese of Hallam Trustee v. Connaughton* [1996] I.C.R. 860

McClaren v. Home Office [1989] I.C.R. 550. **Decision of Hoffmann J. reversed** [1990] I.C.R. 824

McClelland v. Northern Ireland General Health Service Board [1957] 1 W.L.R. 594; [1957] 2 All E.R. 129, H.L.(N.I.). **Considered,** *Malins v. Post Office* [1975] I.C.R. 60

McCormick v. Horsepower Ltd. [1980] I.C.R. 278, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1981] I.C.R. 535

McCormick v. Horsepower Ltd. [1981] I.C.R. 535; [1981] 1 W.L.R. 993; [1981] 2 All E.R. 746, C.A. **Considered,** *Coates v. Modern Methods & Materials Ltd.* [1982] I.C.R. 763
Distinguished, *P & O European Ferries (Dover) Ltd. v. Byrne* [1989] I.C.R. 779

McDermid v. Nash Dredging & Reclamation Co. Ltd. [1986] I.C.R. 525, C.A. **Decision of the Court of Appeal affirmed** [1987] I.C.R. 917

McDonald v. South Cambridgeshire Rural District Council [1973] I.C.R. 611, N.I.R.C. **Considered,** *Brown v. Southall & Knight* [1980] I.C.R. 617

McDowell v. Eastern British Road Services Ltd. [1981] I.R.L.R. 482, E.A.T. **Approved,** *Rogers v. Vosper Thornycroft (U.K.) Ltd.* [1989] I.C.R. 384

McGhee v. National Coal Board [1973] 1 W.L.R. 1; [1972] 3 All E.R. 1008, H.L.(Sc.). **Considered,** *Thompson v. Smiths Shiprepairers (North Shields) Ltd.* [1984] I.C.R. 236

MacGregor Wallcoverings Ltd. v. Turton [1978] I.C.R. 541, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 558

MacInnes, *In re* [1935] 1 D.L.R. 401. **Distinguished,** *Baird v. Baird* [1990] I.C.R. 525

McKenzie v. Crosville Motor Services Ltd. [1990] I.C.R. 172, 175–176, E.A.T. **Dictum of Wood J. not followed,** *Manifold Industries Ltd. v. Sims* [1991] I.C.R. 504

Mackie v. John Holt Vintners Ltd. (Note) [1982] I.C.R. 146, E.A.T. **Considered,** *Ferodo Ltd. v. Bradbury* [1990] I.C.R. 209

McKnight v. Adlestones (Jewellers) Ltd. [1984] I.R.L.R. 454, C.A.(N.I.). **Considered,** *Halfpenny v. IGE Medical Systems Ltd.* [1997] I.C.R. 1007

McLaren v. National Coal Board [1987] I.C.R. 410, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1988] I.C.R. 370

McMeechan v. Secretary of State for Employment [1995] I.C.R. 444, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1997] I.C.R. 549

McNamee v. Cooper. The Times, 7 September 1966. **Not followed,** *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

McPherson v. McPherson [1936] A.C. 177, P.C. **Applied,** *Storer v. British Gas Plc.* [2000] I.C.R. 603

Macer v. Abafast Ltd. [1990] I.C.R. 234, 241. E.A.T. **Followed,** *A. & G. Tuck Ltd. v. Bartlett* [1994] I.C.R. 379
Considered, *Justfern Ltd. v. Skaife D'Ingerthorpe* [1994] I.C.R. 286
Dictum of Wood J. not followed, *Milligan v. Securicor Cleaning Ltd.* [1995] I.C.R. 867

Machine Tool Industry Research Association v. Simpson [1988] I.C.R. 588, C.A. **Applied,** *Marley (U.K.) Ltd. v. Anderson* [1994] I.C.R. 295
Distinguished, *Marley (U.K.) Ltd. v. Anderson* [1996] I.C.R. 728

Machine Tool Industry Research Association v. Simpson [1988] I.C.R. 558, C.A. **Distinguished,** *Post Office v. Sanhotra* [2000] I.C.R. 866

Magorrian v. Eastern Health and Social Services Board (Case C-246/96) [1998] I.C.R. 979; [1997] E.C.R. I-7153, E.C.J. **Applied,** *Preston v. Wolverhampton Healthcare N.H.S. Trust* (Case C-78/98) [2000] I.C.R. 961

ahmud v. Bank of Credit and Commerce International S.A. [1994] I.R.L.R. 282. **Decision of Evans-Lombe J. affirmed** [1996] I.C.R. 406

ahmud v. Bank of Credit and Commerce International S.A. [1996] I.C.R. 406, C.A. **Decision of the Court of Appeal reversed** [1997] I.C.R. 606

ahmud v. Bank of Credit and Commerce International S.A. [1997] I.C.R. 606; [1998] A.C. 20; [1997] 3 W.L.R. 95; [1997] 3 All E.R. 1, H.L.(E.). **Applied,** *Bank of Credit and Commerce International S.A. v. Ali (No. 2)* [2000] I.C.R. 1354
Considered, *Johnson v. Unisys Ltd.* [1999] I.C.R. 809; *Bank of Credit and Commerce International S.A. v. Ali* [1999] I.C.R. 1068

ahon v. Air New Zealand Ltd. [1984] A.C. 808: [1984] 3 W.L.R. 884: [1984] 3 All E.R. 201, P.C. **Applied,** *Laurie v. Holloway* [1994] I.C.R. 32

allett v. Restormel Borough Council [1977] I.C.R. 987. **Decision of Griffiths J. reversed** [1978] I.C.R. 725

allett v. Restormel Borough Council [1978] I.C.R. 725; [1978] 2 All E.R. 1057, C.A. **Applied,** *Walsh v. Rother District Council* [1978] I.C.R. 1216

alloch v. Aberdeen Corpn. [1971] 1 W.L.R. 1578; [1971] 2 All E.R. 1278, H.L.(Sc.). **Applied,** *R. v. British Broadcasting Corpn., Ex parte Lavelle* [1983] I.C.R. 99
Distinguished, *R. v. East Berkshire Health Authority, Ex parte Walsh* [1984] I.C.R. 743

andla (Sewa Singh) v. Dowell Lee [1983] Q.B. 1; [1982] 3 W.L.R. 932; [1982] 3 All E.R. 1108, C.A. **Decision of the Court of Appeal reversed** [1983] I.C.R. 385

andla (Sewa Singh) v. Dowell Lee [1983] I.C.R. 385; [1983] 2 A.C. 548; [1983] 2 W.L.R. 620; [1983] 1 All E.R. 1062, H.L.(E.). **Considered,** *Crown Suppliers (Property Services Agency) v. Dawkins* [1991] I.C.R. 583; [1993] I.C.R. 517

anifold Industries Ltd. v. Sims [1991] I.C.R. 504, C.A. **Applied,** *Jenkins v. P. & O. European Ferries (Dover) Ltd.* [1991] I.C.R. 652

anor Bakeries Ltd. v. Nazir [1996] I.R.L.R. 604, E.A.T. **Not followed,** *Davies v. Neath Port Talbot County Borough Council* [1999] I.C.R. 1132

ansard Precision Engineering Co. Ltd. v. Taylor [1978] I.C.R. 44, E.A.T. **Considered,** *Ladbroke Racing Ltd. v. Mason* [1978] I.C.R. 49

arbe v. George Edwardes (Daly's Theatre) Ltd. [1928] 1 K.B. 269, C.A. **Approved,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606

archant v. Earley Town Council [1979] I.C.R. 891. E.A.T. **Distinguished,** *Berridge v. Benjies Business Centre* [1997] I.C.R. 58

arina Shipping Ltd. v. Laughton (The Antama) [1982] I.C.R. 215; [1982] Q.B. 1127; [1982] 2 W.L.R. 569; [1982] 1 All E.R. 481, C.A. **Followed,** *Merkur Island Shipping Corpn. v. Laughton* [1983] I.C.R. 178
Applied, *Merkur Island Shipping Corpn. v. Laughton* [1983] I.C.R. 490; *Shipping Company Uniform Inc. v. International Transport Workers Federation* [1985] I.C.R. 245

aris v. Rotherham Corpn. [1974] I.C.R. 435, 439; [1974] 2 All E.R. 776, N.I.R.C. **Applied,** *Cooper v. British Steel Corpn.* [1975] I.C.R. 454
Considered, *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 662; *Sulemanji v. Toughened Glass Ltd.* [1979] I.C.R. 799
Dicta considered, *Trend v. Chiltern Hunt Ltd.* [1977] I.C.R. 612
Distinguished, *Kemp v. Shipton Automation Ltd.* [1976] I.C.R. 514

arket Investigations Ltd. v. Minister of Social Security [1969] 2 Q.B. 173; [1969] 2 W.L.R. 1; [1968] 3 All E.R. 732. **Applied,** *Warner Holidays Ltd. v. Secretary of State for Social Services* [1983] I.C.R. 440; *Lee Ting Sang v. Chung Chi-Ketang* [1990] I.C.R. 409
Considered, *WHPT Housing Association Ltd. v. Secretary of State for Social Services* [1981] I.C.R. 737; *Hall v. Lorimer* [1994] I.C.R. 218

arler (E. T.) Ltd. v. Robertson [1974] I.C.R. 72, N.I.R.C. **Applied,** *Carr v. Allen-Bradley Electronics Ltd.* [1980] I.C.R. 603: *Mulvaney v. London Transport Executive* [1981] I.C.R. 351

arley v. Forward Trust Group Ltd. [1986] I.C.R. 115, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1986] I.C.R. 891

arley Tile Co. Ltd. v. Shaw [1978] I.C.R. 828, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1980] I.C.R. 72

arley Tile Co. Ltd. v. Shaw [1978] I.C.R. 828, E.A.T. **Applied,** *Zucker v. Astrid Jewels Ltd.* [1978] I.C.R. 1088

Marley (U.K.) Ltd. v. Anderson [1994] I.C.R. 295, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 728

Marney v. Scott [1899] 1 Q.B. 986. **Applied,** *Kealey v. Heard* [1983] I.C.R. 484

Marriott v. Oxford and District Co-operative Society Ltd. (No. 2) [1970] 1 Q.B. 186, 193; [1969] 3 W.L.R. 984; [1969] 3 All E.R. 1126, C.A. **Applied,** *Maher v. Fram Gerrard Ltd.* [1974] I.C.R. 31; *W. E. Cox Toner (International) Ltd. v. Crook* [1981] I.C.R. 823
Dictum of Winn L.J. applied, *Robert Cort & Son Ltd. v. Charman* [1981] I.C.R. 816
Considered, *Shields Furniture Ltd. v. Goff* [1973] I.C.R. 187
Distinguished, *Land v. West Yorkshire Metropolitan County Council* [1979] I.C.R. 452

Marrison v. Bell [1939] 2 K.B. 187; [1939] 1 All E.R. 745, C.A. **Considered,** *Mears v. Safecar Security Ltd.* [1981] I.C.R. 409; [1982] I.C.R. 626
Distinguished, *Howman & Son v. Blyth* [1983] I.C.R. 416

Marshall v. Gotham Co. Ltd. [1954] A.C. 360; [1954] 2 W.L.R. 812; [1954] 1 All E.R. 937, H.L.(E.). **Applied,** *West Bromwich Building Society Ltd. v. Townsend* [1983] I.C.R. 257

Marshall v. Harland & Wolff Ltd. [1972] I.C.R. 101; [1972] 1 W.L.R. 899; [1972] 2 All E.R. 715, N.I.R.C. **Applied,** *Puttick v. John Wright & Sons (Blackwall) Ltd.* [1972] I.C.R. 457; *Hebden v. Forsey & Son* [1973] I.C.R. 607
Considered, *Egg Stores (Stamford Hill) Ltd. v. Leibovici* [1977] I.C.R. 260
Explained, *Tan v. Berry Bros. & Rudd Ltd.* [1974] I.C.R. 586

Marshall v. Harland & Wolff Ltd. (Practice Note) [1972] I.C.R. 97, N.I.R.C. **Applied,** *Rigby v. British Steel Corpn.* [1973] I.C.R. 160

Marshall v. N.M. Financial Management Ltd. [1995] I.C.R. 1042; [1995] 1 W.L.R. 1461; [1995] 4 All E.R. 785. **Decision of Jonathan Sumption Q.C. sitting as a deputy judge of the Chancery Division affirmed** [1997] I.C.R. 1065

Marshall v. Southampton and South West Hampshire Area Health Authority (Teaching) (Case 152/84) [1986] I.C.R. 335; [1986] Q.B. 401; [1986] 2 W.L.R. 780; [1986] 2 All E.R. 584, E.C.J. **Applied,** *Parsons v. East Surrey Health Authority* [1986] I.C.R. 837; *Foster v. British Gas Plc.* [1987] I.C.R. 52; *Johnston v. Chief Constable of the Royal Ulster Constabulary* (Case 222/84) [1987] I.C.R. 83; *Foster v. British Gas Plc.* (Case C-188/89) [1991] I.C.R. 84
Considered, *Duke v. Reliance Systems Ltd.* [1987] I.C.R. 491; [1988] I.C.R. 339; *Foster v. British Gas Plc.* [1988] I.C.R. 584; *Finnegan v. Clowney Youth Training Ltd.* [1990] I.C.R. 462

Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) [1990] I.C.R. 6, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] I.C.R. 136

Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) (Case C-271/91) [1993] I.C.R. 893; [1994] Q.B. 126; [1993] 3 W.L.R. 1054: [1993] 4 All E.R. 586; [1993] E.C.R. I-4367, E.C.J. **Distinguished,** *R. v. Secretary of State for Social Security, Ex parte Sutton* (Case C-66/95) [1997] I.C.R. 961

Marshall (Thomas) (Exports) Ltd. v. Guinle [1978] I.C.R. 905, 917, 921; [1979] Ch. 227; [1978] 3 W.L.R. 116; [1978] 3 All E.R. 193. **Approved,** *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755
Dicta of Sir Robert Megarry V.-C. applied, *Dietman v. Brent London Borough Council* [1987] I.C.R. 737
Considered, *Lawrence David Ltd. v. Ashton* [1989] I.C.R. 123

Marsland v. Francis Dunn Ltd. (1967) 2 I.T.R. 353. **Considered,** *E. & J. Davis Transport Ltd. v. Chattaway* [1972] I.C.R. 267

Martin v. Glynwed Distribution Ltd. [1983] I.C.R. 511, C.A. **Followed,** *Caledonian Mining Co. Ltd. v. Bassett* [1987] I.C.R. 425
Applied, *Scott v. Coalite Fuels & Chemicals Ltd.* [1988] I.C.R. 355
Distinguished, *Birch v. University of Liverpool* [1985] I.C.R. 470

Martin v. Scottish Transport and General Workers' Union [1952] 1 All E.R. 691, H.L.(Sc.). **Applied,** *Rothwell v. Association of Professional Executive Clerical and Computer Staff* [1976] I.C.R. 211

Maskell v. Horner [1915] 3 K.B. 106, C.A. **Considered,** *Secretary of State for Employment v. Welworthy Ltd. (No. 2)* [1976] I.C.R. 13

Massey v. Crown Life Insurance Co. [1978] I.C.R. 590; [1978] 1 W.L.R. 676; [1978] 2 All E.R. 576, C.A. **Followed,** *B.S.M. (1257) Ltd. v. Secretary of State for Social Services* [1978] I.C.R. 894
Applied, *Calder v. H. Kitson Vickers & Sons (Engineers) Ltd.* [1988] I.C.R. 232
Considered, *Tyne & Clyde Warehouses Ltd. v. Hamerton* [1978] I.C.R. 661

latra Communications S.A.S. v. Home Office [1999] 1 W.L.R. 1646; [1999] 3 All E.R. 562, C.A. **Applied,** *Levez v. T. H. Jennings (Harlow Pools) Ltd.* [2000] I.C.R. 58

lauldon v. British Telecommunications Plc. [1987] I.C.R. 450, E.A.T. **Not followed,** *Brooks v. British Telecommunications Plc.* [1991] I.C.R. 286

laulik v. Air India [1974] I.C.R. 528, N.I.R.C. **Considered,** *Portec (U.K.) Ltd. v. Mogensen* [1976] I.C.R. 396 **Distinguished,** *Roux International Ltd. v. Licudi* [1975] I.C.R. 424

laund v. Penwith District Council [1982] I.C.R. 732, C.A. **Order of the Employment Appeal Tribunal varied** [1984] I.C.R. 143

laynard v. Osmond [1977] Q.B. 240; [1976] 3 W.L.R. 711; [1977] 1 All E.R. 64, C.A. **Applied,** *R. v. Hampshire County Council, Ex parte Ellerton* [1985] I.C.R. 317

laynard v. West Midlands Regional Health Authority [1984] 1 W.L.R. 634, H.L.(E.), **Applied,** *Bailey v. Rolls Royee (1971), Ltd.* [1984] I.C.R. 688

leade v. British Fuels Ltd. [1996] I.R.L.R. 541, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 387

leade v. British Fuels Ltd. [1998] I.C.R. 387, C.A. **Decision of the Court of Appeal reversed** [1998] I.C.R. 1141

lears v. Safecar Security Ltd. [1981] I.C.R. 409; [1981] 1 W.L.R. 1214, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 626

lears v. Safecar Security Ltd. [1982] I.C.R. 626, 653; [1983] Q.B. 54; [1982] 3 W.L.R. 366; [1982] 2 All E.R. 865, C.A. **Applied,** *Howman & Son v. Blyth* [1983] I.C.R. 416; *Eagland v. British Telecommunications Plc.* [1990] I.C.R. 248
Dictum of Stephenson L.J. doubted, *Eagland v. British Telecommunications Plc.* [1993] I.C.R. 644

leasures Brothers Ltd. v. Measures [1910] 2 Ch. 248, C.A. **Applied,** *Briggs v. Oates* [1990] I.C.R. 473

ledallion Holidays Ltd. v. Birch [1985] I.C.R. 578, E.A.T. **Followed,** *Adams v. West Sussex County Council* [1990] I.C.R. 546

lediguard Services Ltd. v. Thame [1994] I.C.R. 751, E.A.T. **Followed,** *Methilhill Bowling Club v. Hunter* [1995] I.C.R. 793
Not approved, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889

leikle v. McPhail (Charleston Arms) [1983] I.R.L.R. 351, E.A.T. **Considered,** *Gorictree Ltd. v. Jenkinson* [1985] I.C.R. 51

lelon v. Hector Powe Ltd. [1980] I.R.L.R. 80. **Decision of the First Division of the Court of Session affirmed** [1981] I.C.R. 43

lelon v. Hector Powe Ltd. [1981] I.C.R. 43, 48; [1981] 1 All E.R. 313, H.L.(Sc.). **Applied,** *Secretary of State for Employment v. Spence* [1986] I.C.R. 181, 651
Dictum of Lord Fraser of Tullybelton applied, *Woods v. W.M. Car Services (Peterborough) Ltd.* [1982] I.C.R. 693
Distinguished, *Birch v. University of Liverpool* [1985] I.C.R. 470

lennell v. Newell & Wright (Transport Contractors) Ltd. [1996] I.C.R. 607, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 1039

lerckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94) [1997] I.C.R. 352; [1996] All E.R. (EC) 667, E.C.J. **Considered,** *P. & O. Property Holdings Ltd. v. Allen* [1997] I.C.R. 436; *Humphreys v. University of Oxford* [2000] I.C.R. 405

lerkur Island Shipping Corpn. v. Laughton [1983] I.C.R. 178; [1983] 2 A.C. 570; [1983] 2 W.L.R. 45; [1983] 1 All E.R. 334, C.A. **Decision of the Court of Appeal affirmed** [1983] I.C.R. 490

lerkur Island Shipping Corpn. v. Laughton [1983] I.C.R. 490; [1983] 2 A.C. 570; [1983] 2 W.L.R. 778; [1983] 2 All E.R. 189, H.L.(E.). **Applied,** *Dimbleby & Sons Ltd. v. National Union of Journalists* [1984] I.C.R. 386; *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

lerseyside and North Wales Electricity Board v. Taylor [1975] I.C.R. 185. **Approved,** *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 377
Applied, *W. Devis & Sons v. Atkins* [1976] I.C.R. 196

lerton London Borough Council v. Gardiner [1981] I.C.R. 186; [1981] Q.B. 269; [1981] 2 W.L.R. 232, C.A. **Distinguished,** *Hancill v. Marcon Engineering Ltd.* [1990] I.C.R. 103

lethilhill Bowling Club v. Hunter [1995] I.C.R. 793, E.A.T. **Not followed,** *Biggs v. Somerset County Council* [1995] I.C.R. 811

Methodist Conference (President of) v. Parfitt [1984] I.C.R. 176, 183; [1984] Q.B. 368; [1984] 2 W.L.R. 84; [1983] 3 All E.R. 747, C.A. **Followed,** *Diocese of Southwark v. Coker* [1998] I.C.R. 140
Applied, *Birmingham Mosque Trust Ltd. v. Alavi* [1992] I.C.R. 435
Dictum of Dillon L.J. applied, *Santokh Singh v. Guru Nanak Gurdwara* [1990] I.C.R. 309
Considered, *Coker v. Diocese of Southwark* [1995] I.C.R. 563

Methven v. Cow Industrial Polymers Ltd. [1979] I.C.R. 613, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 463

Methven v. Cow Industrial Polymers Ltd. [1980] I.C.R. 463, C.A. **Considered,** *Avon and Somerset Police Authority v. Emery* [1981] I.C.R. 229

Mettoy Pensions Trustees Ltd. v. Evans [1990] 1 W.L.R. 1587; [1991] 2 All E.R. 513. **Considered,** *British Coal Corpn. v. British Coal Staff Superannuation Scheme Trustees Ltd.* [1994] I.C.R. 537; *National Grid Co. Plc. v. Mayes* [2000] I.C.R. 174

Midland Bank Plc. v. Madden [2000] I.R.L.R. 288, EA.T. **Decision of the Employment Appeal Tribunal reversed** [2000] I.C.R. 1263

Midland Bank Plc. v. Madden [2000] I.R.L.R. 288; [2000] 2 All E.R. 741, E.A.T. **Considered,** *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263

Midland Cold Storage Ltd. v. Turner [1972] I.C.R. 230, N.I.R.C. **Applied,** *Stewart v. AUEW* [1973] I.C.R. 128

Midland Electric Manufacturing Co. Ltd. v. Kanji [1980] I.R.L.R. 185, E.A.T. **Considered,** *Igbo v. Johnson, Matthey Chemicals Ltd.* [1986] I.C.R. 82, 508

Midland Plastics v. Till [1983] I.C.R. 118, E.A.T. **Considered,** *Knowles v. Fire Brigades Union* [1997] I.C.R. 595

Mileage Conference Group of the Tyre Manufacturer's Conference Ltd.'s Agreement. *In re* (1966) L.R. 6 R.P. 49; [1966] 1 W.L.R. 1137; [1966] 2 All E.R. 849, R.P.Ct. (E. & W.). **Distinguished,** *Fisher v. Director General of Fair Trading* [1982] I.C.R. 71

Miles v. Wakefield Metropolitan District Council [1984] I.C.R. 332. **Decision of Nicholls J. reversed** [1985] I.C.R. 363

Miles v Wakefield Metropolitan District Council [1985] I.C.R. 363; [1985] 1 W.L.R. 822; [1985] 1 All E.R. 905, C.A. **Decision of the Court of Appeal reversed** [1987] I.C.R. 368

Miles v. Wakefield Metropolitan District Council [1985] I.C.R. 363; [1985] 1 W.L.R. 822; [1985] 1 All E.R. 905, C.A. **Distinguished,** *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

Miles v. Wakefield Metropolitan District Council [1987] I.C.R. 368; [1987] A.C. 539; [1987] 2 W.L.R. 795; [1987] 1 All E.R. 1089, H.L.(E.). **Applied,** *Wiluszynski v. Tower Hamlets London Borough Council* [1989] I.C.R. 493

Millard v. Serck Tubes Ltd. [1969] 1 W.L.R. 211; [1969] 1 All E.R. 598, C.A. **Considered,** *McGovern v. British Steel Corpn.* [1986] I.C.R. 608

Miller v. Karlinski (1945) 62 T.L.R. 85, C.A. **Applied,** *Corby v. Morrison* [1980] I.C.R. 564

Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T. **Overruled,** *M.R.S. Environmental Services Ltd. v. Marsh* [1997] I.C.R. 995
Not followed, *R. v. Secretary of State for Trade and Industry, Ex parte UNISON* [1996] I.C.R. 1003

Minister of Pensions v. Chennell [1947] K.B. 250; [1946] 2 All E.R. 719. **Applied,** *British Steel Corpn. v. Chant* [1974] I.C.R. 540

Ministry of Defence v. Bristow [1996] I.C.R. 544, E.A.T. **Not followed,** *Ministry of Defence v. Hunt* [1996] I.C.R. 554; *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237
Considered, *Ministry of Defence v. Wheeler* [1998] I.C.R. 242

Ministry of Defence v. Cannock [1994] I.C.R. 918, 950, 955, E.A.T. **Dicta considered,** *Ministry of Defence v. Hunt* [1996] I.C.R. 554
Dicta distinguished, *Ministry of Defence v. Mutton* [1996] I.C.R. 590

Ministry of Defence v. Hunt [1996] I.C.R. 554, E.A.T. **Followed,** *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237

Ministry of Defence v. Jeremiah [1978] I.C.R. 948, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 13

Ministry of Defence v. Jeremiah [1980] I.C.R. 13; [1980] Q.B. 87; [1979] 3 W.L.R. 857; [1979] 3 All E.R. 833, C.A. **Considered,** *Page v. Freight Hire (Tank Haulage) Ltd.* [1981] I.C.R. 299
Distinguished, *Nobel v. David Gold & Son (Holdings) Ltd.* [1980] I.C.R. 543

linistry of Defence v. Meredith [1995] I.R.L.R. 539, E.A.T. **Considered,** *Gbaja-Biamila v. DHL International (UK) Ltd.* [2000] I.C.R. 730

ınistry of Defence v. Wheeler [1996] I.C.R. 554, E.A.T. **Decision of the Employment Appeal tribunal affirmed** [1998] I.C.R. 242

linistry of Defence v. Wheeler [1998] I.C.R. 242, C.A. **Distinguished,** *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1998] I.C.R. 258

linistry of Housing and Local Government v. Sharp [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802; [1970] 1 All E.R. 1009, C.A. **Applied,** *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7

lirror Group Newspapers Ltd. v. Gunning [1984] I.C.R. 706; [1985] 1 W.L.R. 394, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1986] I.C.R. 145

lirror Group Newspapers Ltd. v. Gunning [1986] I.C.R. 145; [1986] 1 W.L.R. 546; [1986] 2 All E.R. 385, C.A. **Applied,** *Sheehan v. Post Office Counters Ltd.* [1999] I.C.R. 734

litchell v. Harris Engineering Co. Ltd. [1967] 2 Q.B. 703; [1967] 3 W.L.R. 447; [1967] 2 All E.R. 682, C.A. **Applied,** *Cocking v. Sandhurst (Stationers) Ltd.* [1974] I.C.R. 650

litchell v. W.S. Westin Ltd. [1965] 1 W.L.R. 297, 305, 308–309; [1965] 1 All E.R. 657, C.A. **Dicta of Sellers and Pearson L.JJ. applied,** *Jayes v. I.M.I. (Kynoch) Ltd.* [1985] I.C.R. 155

lobbs v. Nuclear Electric Plc. [1996] I.R.L.R. 536, E.A.T. **Not followed,** *Tsangacos v. Amalgamated Chemicals Ltd.* [1997] I.C.R. 154

loeliker v. A. Reyrolle & Co. Ltd. [1976] I.C.R. 253; [1977] 1 W.L.R. 132; [1977] 1 All E.R. 9, C.A. **Considered,** *Cook v. Consolidated Fisheries Ltd.* [1977] I.C.R. 635

lonarch Electric Ltd. v. McIntyre [1968] N.I. 163. **Applied,** *Bentley Engineering Co. Ltd. v. Crown* [1976] I.C.R. 225

loncrieff v. Tayside Regional Council (unreported), 18 November 1982, Ct. of Sess. **Disapproved,** *Ford v. Warwickshire County Council* [1983] I.C.R. 273

londel v. Steel (1841) 8 M. & W. 858. **Considered,** *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

lonie v. Coral Racing Ltd. [1979] I.C.R. 254, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1981] I.C.R. 109

lonie v. Coral Racing Ltd. [1981] I.C.R. 109, C.A. **Applied,** *Whitbread & Co. Plc. v. Thomas* [1988] I.C.R. 135
Considered, *Board of Governors, National Heart and Chest Hospitals v. Nambiar* [1981] I.C.R. 441; *Parr v. Whitbread & Co. Ltd.* [1990] I.C.R. 427

lonk v. Warbey [1935] 1 K.B. 75, C.A. **Distinguished,** *Richardson v. Pitt-Stanley* [1995] I.C.R. 303

lonsanto Plc. v. Transport and General Workers' Union [1987] I.C.R. 269, C.A. **Distinguished,** *Post Office v. Union of Communication Workers* [1990] I.C.R. 258

lonterosso Shipping Co. Ltd. v. International Transport Workers Federation [1982] I.C.R. 675, 682; [1982] 3 All E.R. 841, C.A. **Dictum of Lord Denning M.R. considered,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

lorgan v. Electrolux Ltd. [1991] I.C.R. 369, C.A. **Applied,** *Foley v. Post Office* [2000] I.C.R. 1283

lorgan v. Fry [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65; [1967] 2 All E.R. 386; [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506; [1968] 3 All E.R. 452, C.A. **Considered,** *Camellia Tanker Ltd. S.A. v. International Transport Workers' Federation* [1976] I.C.R. 274

lorgan v. Fry [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506; [1968] 3 All E.R. 452, C.A. **Distinguished,** *Simmons v. Hoover Ltd.* [1977] I.C.R. 61

lorganite Electrical Carbon Ltd. v. Donne [1988] I.C.R. 18, E.A.T. **Not followed,** *Fyfe v. Scientific Furnishings Ltd.* [1989] I.C.R. 648

loroni v. Collo G.m.b.H. (Case C-110/91) [1995] I.C.R. 137, E.C.J. **Considered,** *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179

lorris v. C. W. Martin & Sons Ltd. [1966] 1 Q.B. 716, 727, 737; [1965] 3 W.L.R. 276; [1965] 2 All E.R. 725. **Dicta of Lord Denning M.R. and Diplock L.J. applied,** *Heasmans v. Clarity Cleaning Co. Ltd.* [1987] I.C.R. 949

lorris v. Gestetner Ltd. [1973] I.C.R. 587; [1973] 1 W.L.R. 1378; [1973] 3 All E.R. 1168, N.I.R.C. **Followed,** *Maris v. Rotherham Corpn.* [1974] I.C.R. 435
Considered, *Sulemanji v. Toughened Glass Ltd.* [1979] I.C.R. 799

lorris v. London Iron and Steel Co. Ltd. [1986] I.C.R. 629, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1987] I.C.R. 855

Morrish v. Henlys (Folkestone) Ltd. [1973] I.C.R. 482; [1973] 2 All E.R. 137, N.I.R.C. **Distinguished,** *Munif v. Cole & Kirby Ltd.* [1973] I.C.R. 486

Morrow v. Enterprise Sheet Metal Works (Aberdeen) Ltd., 1986 S.L.T. 697. **Not followed,** *Larner v. British Steel Plc.* [1993] I.C.R. 551

Morse v. Wiltshire County Council [1998] I.C.R. 1023, 1033, E.A.T. **Dicta of Bell J. doubted,** *Baynton v. Saurus General Engineers Ltd.* [2000] I.C.R. 375
Distinguished, *Clark v. Novacold Ltd.* [1999] I.C.R. 951

Morton Sundour Fabrics Ltd. v. Shaw (1966) 2 K.I.R. 1. D.C. **Distinguished,** *Maher v. Fram Gerrard Ltd.* [1974] I.C.R. 31

Morton Sundour Fabrics Ltd. v. Shaw (1966) 2 K.I.R. 1; 2 I.T.R. 84, D.C. **Applied,** *Haseltine Lake & Co. v. Dowler* [1981] I.C.R. 222

Mulrine v. University of Ulster [1993] I.R.L.R. 545, C.A.(N.I.). **Considered,** *Bhatt v. Chelsea and Westminster Healthcare N.H.S. Trust* [1998] I.C.R. 576; *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 587
Not followed, *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 1

Munir v. Jang Publications Ltd. [1988] I.C.R. 214. E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1989] I.C.R. 1

Murdoch University v. Bloom and Kyle [1980] W.A.R. 193. **Considered,** *Thomas v. University of Bradford* [1986] I.C.R. 87

Murphy v. A. Birrell & Sons Ltd. [1978] I.R.L.R. 458, E.A.T. **Distinguished,** *Ingram v. Foxon* [1984] I.C.R. 685

Murphy v. Epsom College [1983] I.C.R. 715, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1985] I.C.R. 80

Murphy v. Epsom College [1983] I.C.R. 715, E.A.T. **Considered,** *Hotson v. Wisbech Conservative Club* [1984] I.C.R. 859
Distinguished, *Yusuf v. Aberplace Ltd.* [1984] I.C.R. 850

Murphy v. Epsom College [1985] I.C.R. 80, C.A. **Applied,** *Burkett v. Pendletons (Sweets) Ltd.* [1992] I.C.R. 407

Murphy v. Stone-Wallwork (Charlton) Ltd. [1969] 1 W.L.R. 1023; [1969] 2 All E.R. 949, H.L.(E.) **Applied,** *Engineers' and Managers' Association v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 637

Murphy Telecommunications (Systems) Ltd. v. Henderson [1973] I.C.R. 581, N.I.R.C. **Applied,** *Secretary of State for Employment v. John Woodrow & Sons (Builders) Ltd.* [1983] I.C.R. 582

Murray v. Foyle Meats Ltd. [1997] N.I. 429, C.A.(N.I.). **Decision of the Court of Appeal in Northern Ireland affirmed** [1999] I.C.R. 827

N.V. Algemene Transport-en Expeditie Onderneming van Gend en Loos v. Nederlandse administratie der belastingen (Case 26/62) [1963] E.C.R. 1, E.C.J. **Applied,** *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R.722

N.W.L. Ltd. v. Woods [1979] I.C.R. 744, C.A. **Applied,** *N.W.L. Ltd. v. Nelson* [1979] I.C.R. 755

N.W.L. Ltd. v. Woods [1979] I.C.R. 867; [1979] 1 W.L.R. 1294; [1979] 3 All E.R. 614, H.L.(E.).
Applied, *Duport Steels Ltd. v. Sirs* [1980] I.C.R. 161; *Universe Tankships Inc. of Monrovia v. International Transport Workers Federation* [1981] I.C.R. 129; *Union Traffic Ltd. v. Transport and General Workers' Union* [1989] I.C.R. 98
Considered, *Universe Tankships Inc. of Monrovia v. International Transport Workers Federation* [1982] I.C.R. 262; *Mercury Communications Ltd. v. Scott-Garner* [1984] I.C.R. 74; *Dairy Crest Ltd. v. Pigott* [1989] I.C.R. 92

Nabi v. British Leyland (U.K.) Ltd. [1980] 1 W.L.R. 529; [1980] 1 All E.R. 667, C.A. **Considered,** *Palfrey v. Greater London Council* [1985] I.C.R. 437

Nagarajan v. Agnew [1995] I.C.R. 520, E.A.T. **Followed,** *Post Office v. Adekeye* [1995] I.C.R. 541; [1997] I.C.R. 110

Nagarajan v. London Regional Transport [1998] I.R.L.R. 73, C.A. **Decision of the Court of Appeal reversed** [1999] I.C.R. 877

Nagarajan v. London Regional Transport [1998] I.R.L.R. 73, 79, C.A. **Dicta of Peter Gibson L.J. applied,** *Marks & Spencer Plc. v. Martins* [1998] I.C.R. 1005

Nagarajan v. London Regional Transport [1999] I.C.R. 877; [2000] 1 A.C. 501; [1999] 3 W.L.R. 425; [1999] 4 All E.R. 65, H.L.(E.). **Applied,** *Lindsay v. Alliance & Leicester Plc.* [2000] I.C.R. 1234 agle v. Feilden [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027; [1966] 1 All E.R. 689, C.A. **Applied,** *Watson v. Prager* [1991] I.C.R. 603

ancollas v. Insurance Officer [1985] 1 All E.R. 833, C.A. **Applied,** *Smith v. Stages* [1988] I.C.R. 201

ash v. Ryan Plant International Ltd. [1977] I.C.R. 560; [1978] 1 All E.R. 492, E.A.T. **Distinguished,** *Secretary of State for Employment v. Banks* [1983] I.C.R. 48

ational Coal Board v. Galley [1958] 1 W.L.R. 16; [1958] 1 All E.R. 91, C.A. **Distinguished,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

ational Coal Board v. Ridgway [1987] I.C.R. 641, 650; [1987] 3 All E.R. 582, C.A. **Considered,** *Fitzpatrick v. British Railways Board* [1990] I.C.R. 674
Overruled, *Associated Newspapers Ltd. v. Wilson* [1995] I.C.R. 406
Dicta of May L.J. not followed, *Cleveland Ambulance N.H.S. Trust v. Blane* [1997] I.C.R. 851
Distinguished, *F. W. Farnsworth Ltd. v. McCoid* [1999] I.C.R. 1047

ational Coal Board v. Sherwin [1978] I.C.R. 700, E.A.T. **Considered,** *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485; *Calder v. Rowntree Mackintosh Confectionery Ltd.* [1992] I.C.R. 372

ational Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (Nos. 3 and 4). *In re* (1972) L.R. 7 R.P. 425; [1972] 1 W.L.R. 1162; [1972] 2 All E.R. 1269, H.L.(E.). **Considered,** *In re National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 5)* [1973] I.C.R. 649

ational Graphical Association v. Howard [1983] I.C.R. 574, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1985] I.C.R. 97

ational Heart and Chest Hospitals Board of Governors v. Nambiar [1981] I.C.R. 441, E.A.T. **Approved,** *West Midlands Co-operative Society Ltd. v. Tipton* [1986] I.C.R. 192.
Applied, *Greenall Whitley Plc. v. Carr* [1985] I.C.R. 451

ational Insurance Act 1911, *In re;* Employment of Church of England Curates, *In re* [1912] 2 Ch. 563. **Followed,** *Diocese of Southwark v. Coker* [1996] I.C.R. 896; [1998] I.C.R. 140
Considered, *Coker v. Diocese of Southwark* [1995] I.C.R. 563

ational Union of Gold, Silver & Allied Trades v. Albury Brothers Ltd. [1978] I.C.R. 62, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1979] I.C.R. 84

ational Union of Tailors and Garment Workers v. Charles Ingram & Co. Ltd. [1977] I.C.R. 530, E.A.T. **Approved,** *National Union of Gold, Silver & Allied Trades v. Albury Brothers Ltd.* [1979] I.C.R. 84

ational Union of Teachers v. Avon County Council [1978] I.C.R. 626, E.A.T. **Considered,** *E. Green & Son (Castings) Ltd. v. Association of Scientific, Technical and Managerial Staffs* [1984] I.C.R. 352

ational Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1995] I.C.R. 317, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 334

ational Vulcan Engineering Insurance Group Ltd. v. Wade [1977] I.C.R. 455; [1977] 3 All E.R. 634, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1978] I.C.R. 800

ational Vulcan Engineering Insurance Group Ltd. v. Wade [1978] I.C.R. 800, 810; [1979] Q.B. 132; [1978] 3 W.L.R. 214; [1978] 3 All E.R. 121, C.A. **Dictum of Geoffrey Lane L.J. followed,** *Ministry of Defence v. Farthing* [1980] I.C.R. 705

ational Westminster Bank Ltd. v. Barclays Bank International Ltd. [1975] Q.B. 654; [1975] 2 W.L.R. 12; [1974] 3 All E.R. 834. **Considered,** *Secretary of State for Employment v. Wellworthy Ltd. (No. 2)* [1976] I.C.R. 13

avy, Army and Air Force Institutes v. Varley [1977] I.C.R. 11; [1977] 1 W.L.R. 149, E.A.T. **Applied,** *Electrolux Ltd. v. Hutchinson* [1977] I.C.R. 252

aylor v. Orton & Smith Ltd. [1983] I.C.R. 665, E.A.T. **Applied,** *McKenzie v. Crosville Motor Services Ltd.* [1990] I.C.R. 172

eale v. Hereford and Worcester County Council [1986] I.C.R. 471, 483, C.A. **Applied,** *Campion v. Hamworthy Engineering Ltd.* [1987] I.C.R. 966; *Beedell v. West Ferry Printers Ltd.* [2000] I.C.R. 1263; *Foley v. Post Office* [2000] I.C.R. 1283
Dictum of May L.J. considered, *Piggott Brothers & Co. Ltd. v. Jackson* [1992] I.C.R. 85

eary v. Dean of Westminster [1999] I.R.L.R. 288. **Considered,** *University of Nottingham v. Fishel* [2000] I.C.R. 1462

eath v. Hugh Steeper Ltd. (Case C-152/91) [1995] I.C.R. 158, E.C.J. **Applied,** *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179

Neilson v. Laugharne [1981] Q.B. 736; [1981] 2 W.L.R. 537; [1981] 1 All E.R. 829, C.A. **Applied,** *Halford v. Sharples* [1992] I.C.R. 583
Distinguished, *Comr. of Police of the Metropolis v. Locker* [1993] I.C.R. 440

Nelson v. British Broadcasting Corpn. [1977] I.C.R. 649, C.A. **Applied,** *Murphy v. Epsom College* [1983] I.C.R. 715
Considered, *Gorman v. London Computer Training Centre Ltd.* [1978] I.C.R. 394; *Blue Star Ship Management Ltd. v. Williams* [1978] I.C.R. 770; *Church v. West Lancashire N.H.S. Trust* [1998] I.C.R. 423
Overruled in part, *Murray v. Foyle Meats Ltd.* [1999] I.C.R. 827
Distinguished, *Cowen v. Haden Ltd.* [1983] I.C.R. 1; *Murphy v. Epsom College* [1985] I.C.R. 80

Nelson v. British Broadcasting Corpn. (No. 2) [1980] I.C.R. 110, 126, C.A. **Considered,** *Cowen v. Haden Ltd.* [1983] I.C.R. 1; *Slaughter v. C. Brewer & Sons Ltd.* [1990] I.C.R. 730
Dicta of Brandon L.J. not applied, *Murray v. Foyle Meats Ltd.* [1999] I.C.R. 827

Nerva v. R. L. & G. Ltd. [1995] I.R.L.R. 200. **Decision of Mance J. affirmed** [1997] I.C.R. 11

Net Book Agreement 1957, *In re* (1962) L.R. 3 R.P. 246; [1962] 1 W.L.R. 1347; [1962] 3 All E.R. 751, R.P.Ct. (E. & W.). **Considered,** *Publishers Association v. Commission of the European Communities (No. 3)* (Case C-360/92P) [1996] I.C.R. 121

Nethermere (St. Neots) Ltd. v. Gardiner [1983] I.C.R. 319, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1984] I.C.R. 612

Nethermere (St. Neots) Ltd. v. Gardiner [1984] I.C.R. 612, C.A. **Followed,** *Express & Echo Publications Ltd. v. Tanton* [1999] I.C.R. 693
Applied, *Carmichael v. National Power Plc.* [1998] I.C.R. 1167
Considered, *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526

Newland v. Simons & Willer (Hairdressers) Ltd. [1981] I.C.R. 521, E.A.T. **Explained,** *Salvesen v. Simons* [1994] I.C.R. 409

Newstead v. Department of Transport (Case 192/85) [1988] I.C.R. 332; [1988] 1 W.L.R. 612; [1988] 1 All E.R. 129, E.C.J. **Considered,** *Griffin v. London Pensions Fund Authority* [1993] I.C.R. 564

New Zealand Shipping Co. Ltd. v. Société des Ateliers et Chantiers de France [1919] A.C. 1 H.L.(E.). **Applied,** *Cheall v. Association of Professional Executive Clerical and Computer Staff* [1982] I.C.R. 543
Distinguished, *Cheall v. Association of Professional Executive Clerical and Computer Staff* [1983] I.C.R. 398

Nicholls v. F. Austin (Leyton) Ltd. [1946] A.C. 493; [1946] 2 All E.R. 92, H.L.(E.) **Distinguished,** *Wearing v. Pirelli Ltd.* [1977] I.C.R. 90

Nicholls v. National Coal Board [1976] I.C.R. 266, C.A. **Considered,** *Cook v. Consolidated Fisheries Ltd.* [1977] I.C.R. 635

Nimmo v. Alexander Cowan & Sons Ltd. [1968] A.C. 107; [1967] 3 W.L.R. 1169; [1967] 3 All E.R. 187, H.L.(Sc.). **Applied,** *Larner v. British Steel Plc.* [1993] I.C.R. 551
Considered, *Wigan Borough Council v. Davies* [1979] I.C.R. 411; *Bowes v. Sedgefield District Council* [1981] I.C.R. 234

Nimz v. Freie und Hansestadt Hamburg (Case C-184/89) [1991] E.C.R. 1-297, E.C.J. **Applied,** *Smith v. Avdel Systems Ltd.* (Case C-408/92) [1995] I.C.R. 596
Distinguished, *Gerster v. Freistaat Bayern* (Case C-1/95) [1998] I.C.R. 327

Noble v. David Gold & Son (Holdings) Ltd. [1980] I.C.R. 543, C.A. **Applied,** *Skyrail Oceanic Ltd. v. Coleman* [1981] I.C.R. 864

Nokes v. Doncaster Amalgamated Collieries Ltd. [1940] A.C. 1014, 1022; [1940] 3 All E.R. 549, H.L.(E.). **Dictum of Viscount Simon L.C. applied,** *In re British Concrete Pipe Association's Agreement* [1981] I.C.R. 421

Norgett v. Luton Industrial Co-operative Society Ltd. [1976] I.C.R. 442, E.A.T. **Applied,** *Riley v. Tesco Stores Ltd.* [1980] I.C.R. 323
Considered, *Porter v. Bandridge Ltd.* [1978] I.C.R. 943; *Wall's Meat Co. Ltd. v. Khan* [1979] I.C.R. 52

Norrie v. University of Auckland Senate [1984] 1 N.Z.L.R. 129. **Considered,** *Thomas v. University of Bradford* [1986] I.C.R. 87

Norris v. Norris (1977) 29 W.L.R. 22. **Doubted,** *Baird v. Baird* [1990] I.C.R. 525

Norris v. Southampton City Council [1982] I.C.R. 177, E.A.T. **Not followed,** *F.C. Shepherd & Co. Ltd. v. Jerrom* [1985] I.C.R. 552

orth Riding Garages Ltd. v. Butterwick [1967] 2 Q.B. 56; [1967] 2 W.L.R. 571; [1967] 1 All E.R. 644, D.C. **Considered,** *Murphy v. Epsom College* [1983] I.C.R. 715

orth West Thames Regional Health Authority v. Noone [1988] I.C.R. 813, C.A. **Applied,** *British Gas v. Sharma* [1991] I.C.R. 19; *King v. Great Britain-China Centre* [1992] I.C.R. 516

Distinguished, *Prison Service v. Johnson* [1997] I.C.R. 275

orth Yorkshire County Council v. Rateliffe [1994] I.C.R. 810, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 833

orth Yorkshire County Council v. Ratcliffe [1995] I.C.R. 833, 839; [1995] 3 All E.R. 597, H.L.(E.). **Dicta of Lord Slynn of Hadley considered,** *Strathclyde Regional Council v. Wallace* [1998] I.C.R. 205

orthern General Hospital National Health Service Trust v. Gale [1993] I.C.R. 638, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1994] I.C.R. 426

orton Tool Co. Ltd. v. Tewson [1972] I.C.R. 501; [1973] 1 W.L.R. 45; [1973] 1 All E.R. 183, N.I.R.C. **Followed,** *Vaughan v. Weighpack Ltd.* [1974] I.C.R. 261; *Everwear Candlewick Ltd. v. Isaac* [1974] I.C.R. 525

Approved, *Addison v. Babcock F.A.T.A. Ltd.* [1987] I.C.R. 805

Applied, *Donnelly v. Feniger & Blackburn Ltd.* [1973] I.C.R. 68; *Scottish Co-operative Wholesale Society Ltd. v. Lloyd* [1973] I.C.R. 137; *Morrish v. Henlys (Folkestone) Ltd.* [1973] I.C.R. 482; *Hilti (Great Britain) Ltd. v. Windridge* [1974] I.C.R. 352; *Millington v. T. H. Goodwin & Sons Ltd.* [1975] I.C.R. 104; *Adda International Ltd. v. Curcio* [1976] I.C.R. 407; *T.B.A. Industrial Products Ltd. v. Locke* [1984] I.C.R. 228; *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1998] I.C.R. 258

Considered, *Isleworth Studios Ltd. v. Rickard* [1988] I.C.R. 432

Explained, *Garrat v. Platt International Ltd.* [1974] I.C.R. 142

orwest Holst Group Administration Ltd. v. Harrison [1985] I.C.R. 668, C.A. **Considered,** *Weathersfield Ltd. v. Sargent* [1999] I.C.R. 425

orwich Pharmacal Co. v. Customs and Excise Comrs. [1974] A.C. 133; [1973] 3 W.L.R. 164; [1973] 2 All E.R. 943, H.L.(E.). **Applied,** *P. v. T. Ltd.* [1997] I.C.R. 887

othman v. Barnet London Borough Council [1978] I.C.R. 336; [1978] 1 W.L.R. 220; [1978] 1 All E.R. 1243, C.A. **Decision of the Court of Appeal affirmed** [1979] I.C.R. 111

othman v. Barnet London Borough Council [1978] I.C.R. 336, 344, 346; [1978] 1 W.L.R. 220; [1978] 1 All E.R. 1243, C.A. **Applied,** *Waite v. Government Communications Headquarters* [1983] I.C.R. 359

Dictum of Lawton L.J. applied, *Howard v. Department of National Savings* [1979] I.C.R. 584; [1981] I.C.R. 208

Dictum of Lord Denning M.R. considered, *Lakhani v. Hoover Ltd.* [1978] I.C.R. 1063

Overruled, *Waite v. Government Communications Headquarters* [1983] I.C.R. 653

ottingham v. Aldridge [1971] 2 Q.B. 739; [1971] 3 W.L.R. 1; [1971] 2 All E.R. 751. **Considered,** *Compton v. McClure* [1975] I.C.R. 378

ottinghamshire County Council v. Lee [1979] I.C.R. 818, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1980] I.C.R. 635

ottinghamshire County Council v. Lee [1980] I.C.R. 635, C.A. **Applied,** *Pfaffinger v. City of Liverpool Community College* [1997] I.C.R. 142

Distinguished, *Fay v. North Yorkshire County Council* [1986] I.C.R. 133

urse v. Morganite Crucible Ltd. [1989] I.C.R. 15; [1989] A.C. 692; [1989] 2 W.L.R. 82; [1989] 1 All E.R. 113, H.L.(E.). **Applied,** *Edgson v. Vickers Plc.* [1994] I.C.R. 510

(Infants), *In re* [1971] Ch. 748; [1971] 2 W.L.R. 784; [1971] 2 All E.R. 744, C.A. **Applied,** *Ryan Plant International Ltd. v. Price* [1976] I.C.R. 424

Brien v. Associated Fire Alarms Ltd. [1968] 1 W.L.R. 1916; [1969] 1 All E.R. 93, C.A. **Applied,** *Parsons v. Albert J. Parsons & Sons Ltd.* [1978] I.C.R. 456

Considered, *Courtaulds Northern Spinning Ltd. v. Sibson* [1987] I.C.R. 329

Brien v. Sim-Chem Ltd. [1979] I.C.R. 13, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1980] I.C.R. 429

Brien v. Sim-Chem Ltd. [1980] I.C.R. 429; [1980] 1 W.L.R. 734; [1980] 2 All E.R. 307, C.A. **Decision of the Court of Appeal reversed** [1980] I.C.R. 573

Brien v. Sim-Chem Ltd. [1980] I.C.R. 573; [1980] 1 W.L.R. 1011; [1980] 3 All E.R. 132, H.L.(E.). **Applied,** *Arnold v. Beecham Group Ltd.* [1982] I.C.R. 744

Octavius Atkinson & Sons Ltd. v. Morris [1988] I.C.R. 880, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 431

Odeon Associated Theatres Ltd. v. Jones [1971] 1 W.L.R. 442, 454; [1971] 2 All E.R. 407. **Dictum of Pennycuick V.-C. applied,** *General Electric Co. Ltd. v. Price Commission* [1975] I.C.R. 1

Office national des pensions pour travailleurs salariés (ONPTS) v. Stefanutti (Case 197/85) [1987] E.C.R. 3855, E.C.J. **Applied,** *Schmidt (Christel) v. Rijksdienst voor Pensioenen* (Case C-98/94) [1996] I.C.R. 91

O'Grady v. M. Saper Ltd. [1940] 2 K.B. 469; [1940] 3 All E.R. 527, C.A. **Applied,** *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626

Ojutiku v. Manpower Services Commission [1981] I.C.R. 515, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 661

Ojutiku v. Manpower Services Commission [1982] I.C.R. 661, 674, C.A. **Applied,** *Clarke v. Eley (IMI) Kynoch Ltd.* [1983] I.C.R. 165; *Hampson v. Department of Education and Science* [1988] I.C.R. 278
Dictum of Stephenson L.J. applied, *Hampson v. Department of Education and Science* [1989] I.C.R. 179

O'Kelly v. Trusthouse Forte Plc. [1983] I.C.R. 728; [1984] Q.B. 90; [1983] 3 W.L.R. 605; [1983] 3 All E.R. 456, C.A. **Applied,** *Nethermere (St. Neots) Ltd. v. Gardiner* [1984] I.C.R. 612
Considered, *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526; *Lee Ting Sang v. Chung Chi-Keung* [1990] I.C.R. 409; *Hall v. Lorimer* [1992] I.C.R. 739

O'Laoire v. Jackel International Ltd. (No. 2) [1991] I.C.R. 718, C.A. **Applied,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1996] I.C.R. 406

102 Social Club and Institute Ltd. v. Bickerton [1977] I.C.R. 911, E.A.T. **Applied,** *Parsons v. Albert J. Parsons & Sons Ltd.* [1978] I.C.R. 456

O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School [1997] I.C.R. 33, 43, 48, E.A.T. **Followed,** *P. & O. European Ferries (Dover) Ltd. v. Iverson* [1999] I.C.R. 1088
Dicta of Mummery J. followed, *Chief Constable of Greater Manchester Police v. Hope* [1999] I.C.R. 338

O'Neill v. Merseyside Plumbing Co. Ltd. [1973] I.C.R. 96, N.I.R.C. **Applied,** *Cresswell v. Board of Inland Revenue* [1984] I.C.R. 508

O'Neill v. Symm & Co. Ltd. [1998] I.C.R. 481, E.A.T. **Considered,** *H.J. Heinz Co. Ltd. v. Kenrick* [2000] I.C.R. 491

Open University v. Triesman [1978] I.C.R. 524, E.A.T. **Considered,** *British Broadcasting Corpn. v. Kelly-Phillips* [1998] I.C.R. 587
Not followed, *Housing Services Agency v. Cragg* [1997] I.C.R. 1050

Ord v. Maidstone and District Hospital Management Committee [1974] I.C.R. 369; [1974] 2 All E.R. 343, N.I.R.C. **Distinguished,** *Smith v. Post Office* [1978] I.C.R. 283; *Waite v. Government Communications Headquarters* [1983] I.C.R. 653

O'Reilly v. Hotpoint Ltd. (1969) 7 K.I.R. 374, D.C. **Approved,** *Marshall v. Harland & Wolff Ltd.* [1972] I.C.R. 101

O'Reilly v. Imperial Chemical Industries Ltd. [1955] 1 W.L.R. 1155; [1955] 3 All E.R. 382, C.A. **Considered,** *Cross v. Redpath Dorman Long Ltd.* [1978] I.C.R. 730

O'Reilly v. Mackman [1983] 2 A.C. 237; [1982] 3 W.L.R. 1096; [1982] 3 All E.R. 1124, H.L.(E.). **Applied,** *R. v. East Berkshire Health Authority, Ex parte Walsh* [1984] I.C.R. 743; *Council of Civil Service Unions v. Minister for the Civil Service* [1985] I.C.R. 14
Considered, *R. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1994] I.C.R. 317
Distinguished, *Doyle v. Northumbria Probation Committee* [1992] I.C.R. 121

Orman v. Saville Sportswear Ltd. [1960] 1 W.L.R. 1055; [1960] 3 All E.R. 105. **Doubted,** *Mears v. Safecar Security Ltd.* [1981] I.C.R. 409
Disapproved, *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626

Oropesa, The [1943] P. 32, C.A. **Considered,** *Ministry of Defence v. Pope* [1997] I.C.R. 296

Orphanos v. Queen Mary College [1985] A.C. 761; [1985] 2 W.L.R. 703; [1985] 2 All E.R. 233, H.L.(E.). **Considered,** *J. H. Walker Ltd. v. Hussain* [1996] I.C.R. 291

O'Shea v. Immediate Sound Services Ltd. [1986] I.C.R. 598, 603, E.A.T. **Dictum of Popplewell J. considered,** *Evans v. Comr. of Police of the Metropolis* [1993] I.C.R. 151

'Sullivan v. Herdmans Ltd. [1987] 1 W.L.R. 1047, 1055–1056, H.L.(N.I.). **Observations of Lord Mackay of Clashfern applied,** *Dunn v. British Coal Corpn.* [1993] I.C.R. 591
Considered, *Coloroll Pension Trustees Ltd. v. Russell* (Case C-200/91) [1995] I.C.R. 179; *Vroege v. NCIV Instituut voor Volkshuisvesting B.V.* (Case C-57/93) [1995] I.C.R. 635
Distinguished, *R. v. British Steel Plc.* [1995] I.C.R. 586

utlook Supplies Ltd. v. Parry [1978] I.C.R. 388; [1978] 2 All E.R. 707, E.A.T. **Distinguished,** *Benveniste v. University of Southampton* [1989] I.C.R. 617

wen & Briggs v. James [1981] I.C.R. 377, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 618

wen & Briggs v. James [1982] I.C.R. 618, C.A. **Considered,** *Nagarajan v. Agnew* [1995] I.C.R. 520

wusu v. London Fire & Civil Defence Authority [1995] I.R.L.R. 574, E.A.T. **Distinguished,** *Cast v. Croydon College* [1998] I.C.R. 77

xford v. Department of Health and Social Security [1977] I.C.R. 884, 887, E.A.T. **Dictum of Phillips J. applied,** *Humphreys v. Board of Managers of St. George's Church of England (Aided) Primary School* [1978] I.C.R. 546

v. S. (Case C-13/94) [1996] I.C.R. 795; [1996] E.C.R. I-2143, E.C.J. **Applied,** *Chessington World of Adventures Ltd. v. Reed* [1998] I.C.R. 97
Considered, *Bavin v. N.H.S. Trust Pensions Agency* [1999] I.C.R. 1192

aal Wilson & Co. A/S v. Partenreederei Hannah Blumenthal [1983] 1 A.C. 854; [1982] 3 W.L.R. 1149; [1983] 1 All E.R. 34, H.L.(E.). **Considered,** *F. C. Shepherd & Co. Ltd. v. Jerrom* [1986] I.C.R. 802

adfield v. Minister of Agriculture, Fisheries and Food [1968] A.C. 997; [1968] 2 W.L.R. 924: [1968] 1 All E.R. 694, C.A. and H.L.(E.). **Considered,** *Secretary of State for Employment v. ASLEF (No. 2)* [1972] I.C.R. 19

age One Records Ltd. v. Britton [1968] 1 W.L.R. 157; [1967] 3 All E.R. 822. **Applied,** *Warren v. Mendy* [1989] I.C.R. 525

age v. Smith [1996] A.C. 155; [1995] 2 W.L.R. 644; [1995] 2 All E.R. 736, H.L.(E.). **Considered,** *Schofield v. Chief Constable of West Yorkshire Police* [1999] I.C.R. 193; *Frost v. Chief Constable of South Yorkshire Police* [1999] I.C.R. 216

almer v. Southend-on-Sea Borough Council [1984] I.C.R. 372, 385; [1984] 1 W.L.R. 1129; [1984] 1 All E.R. 945, C.A. **Applied,** *Machine Tool Industry Research Association v. Simpson* [1988] I.C.R. 558
Dictum of May L.J. applied, *Schultz v. Esso Petroleum Co. Ltd.* [1999] I.C.R. 1202

ambakian v. Brentford Nylons Ltd. [1978] I.C.R. 665, E.A.T. **Distinguished,** *Fox Brothers (Clothes) Ltd. v. Bryant* [1979] I.C.R. 64

anesar v. Nestlé Co. Ltd. (Note) [1980] I.C.R. 144, C.A. **Considered,** *Mandla (Sewa Singh) v. Dowell Lee* [1983] I.C.R. 385

ao On v. Lau Yiu Long [1980] A.C. 614; [1979] 3 W.L.R. 435; [1979] 3 All E.R. 65, P.C. **Applied,** *B. & S. Contracts and Design Ltd. v. Victor Green Publications Ltd.* [1984] I.C.R. 419

arker & Farr Ltd. v. Shelvey [1979] I.C.R. 896, E.A.T. **Not followed,** *Derwent Coachworks v. Kirby* [1995] I.C.R. 48

arker Foundry Ltd. v. Slack [1989] I.C.R. 686, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 302

arker Foundry Ltd. v. Slack [1992] I.C.R. 302, 307–308, C.A. **Dictum of Woolf L.J. applied,** *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349

arkinson v. March Consulting Ltd. [1998] I.C.R. 276, C.A. **Considered,** *West Kent College v. Richardson* [1999] I.C.R. 511

arry v. Cleaver [1970] A.C. 1; [1969] 2 W.L.R. 821; [1969] 1 All E.R. 555, H.L.(E.). **Followed,** *Smoker v. London Fire and Civil Defence Authority* [1991] I.C.R. 449; *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658
Applied, *Stocks v. Magna Merchants Ltd.* [1973] I.C.R. 530; *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63; *Dews v. National Coal Board* [1987] I.C.R. 602; *Colledge v. Bass Mitchells & Butlers Ltd.* [1988] I.C.R. 125; *Hopkins v. Norcros Plc.* [1993] I.C.R. 338; [1994] I.C.R. 11; *Longden v. British Coal Corpn.* [1998] I.C.R. 26
Considered, *Mills v. Hassall* [1983] I.C.R. 330; *Hussain v. New Taplow Paper Mills Ltd.* [1987] I.C.R. 28; [1988] I.C.R. 259; *Chan v. Hackney London Borough Council* [1997] I.C.R. 1014

Parsons v. Albert J. Parsons & Sons Ltd. [1978] I.C.R. 456, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 271

Parsons v. B.N.M. Laboratories Ltd. [1964] 1 Q.B. 95; [1963] 2 W.L.R. 1273; [1962] 2 All E.R. 658, C.A. **Approved,** *Westwood v. Secretary of State for Employment* [1985] I.C.R. 209
Applied, *Stocks v. Magna Merchants Ltd.* [1973] I.C.R. 530
Considered, *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63: *Westwood v. Secretary of State for Employment* [1982] I.C.R. 534; [1983] I.C.R. 820

Parvin v. Morton Machine Co. Ltd. [1952] A.C. 515; [1952] 1 All E.R. 670, H.L.(Sc.) **Applied,** *Ballard v. Ministry of Defence* [1976] I.C.R. 54; [1977] I.C.R. 513
Considered, *T.B.A. Industrial Products Ltd. v. Lainé* [1987] I.C.R. 75

Patel v. University of Bradford Senate [1978] 1 W.L.R. 1488; [1978] 3 All E.R. 841. **Applied,** *Thomas v. University of Bradford* [1987] I.C.R. 245
Considered, *Thomas v. University of Bradford* [1986] I.C.R. 87

Peach Grey & Co. v. Sommers [1995] I.C.R. 549, D.C. **Applied,** *Vidler v. UNISON* [1999] I.C.R. 746

Peake v. Automotive Products Ltd. [1977] I.C.R. 480; [1977] Q.B. 780; [1977] 2 W.L.R. 751, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1977] I.C.R. 968

Peake v. Automotive Products Ltd. [1977] I.C.R. 968; [1978] Q.B. 233; [1977] 3 W.L.R. 853; [1978] 1 All E.R. 106, C.A. **Applied,** *Schmidt v. Austicks Bookshops Ltd.* [1978] I.C.R. 85
Considered, *Page v. Freight Hire (Tank-Haulage) Ltd.* [1981] I.C.R. 299
Doubted in part, *Ministry of Defence v. Jeremiah* [1980] I.C.R. 13
Distinguished, *Grieg v. Community Industry* [1979] I.C.R. 356

Pedersen v. Camden London Borough Council (Note) [1981] I.C.R. 674, C.A. **Followed,** *Woods v. W.M. Car Services (Peterborough) Ltd.* [1981] I.C.R. 666
Applied, *Woods v. W.M. Car Services (Peterborough) Ltd.* [1982] I.C.R. 693

Pegler v. Railway Executive [1948] A.C. 332; [1948] 1 All E.R. 559, H.L.(E.). **Considered,** *Grimes v. Sutton London Borough Council* [1973] I.C.R. 240

Pengelley v. Bell Punch Co. Ltd. [1964] 1 W.L.R. 1055; [1964] 2 All E.R. 945, C.A. **Considered,** *Jennings v. National Coal Board* [1983] I.C.R. 636

Penman v. Fife Coal Co. Ltd. [1936] A.C. 45, H.L.(Sc.). **Distinguished,** *Williams v. Butlers Ltd.* [1975] I.C.R. 208

Penrose v. Fairey Surveys Ltd. [1973] I.C.R. 26, N.I.R.C. **Applied,** *Watts v. Rubery Owen Conveyancer Ltd.* [1977] I.C.R. 429

Pepper v. Hart [1990] 1 W.L.R. 204. **Decision of Vinelott J. affirmed** [1991] I.C.R. 681

Pepper v. Hart [1991] I.C.R. 681; [1991] Ch. 203; [1991] 2 W.L.R. 483; [1991] 2 All E.R. 824, C.A. **Decision of the Court of Appeal reversed** [1993] I.C.R. 291

Pepper v. Webb [1969] 1 W.L.R. 514; [1969] 2 All E.R. 216, C.A. **Considered,** *Wilson v. Racher* [1974] I.C.R. 428

Perera v. Civil Service Commission (No. 2) [1982] I.C.R. 350, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1983] I.C.R. 428

Perl (P.) (Exporters) Ltd. v. Camden London Borough Council [1984] Q.B. 342; [1983] 3 W.L.R. 769; [1983] 3 All E.R. 161, C.A. **Considered,** *News Group Newspapers Ltd. v. Society of Graphical and Allied Trades '82 (No. 2)* [1987] I.C.R. 181

Permanent Magnet Association's Agreement, *In re* (1962) L.R. 3 R.P. 119, 177; [1962] 1 W.L.R. 781; [1962] 2 All E.R. 275, R.P.Ct.(E. & W.). **Dicta applied,** *In re Cement Makers' Federation Agreement (No. 2)* [1974] I.C.R. 445

Pertemps Group Ltd. v. Nixon (unreported), 1 July 1993, E.A.T. **Doubted,** *McMeechan v. Secretary of State for Employment* [1997] I.C.R. 549

Petrie v. MacFisheries Ltd. [1940] 1 K.B. 258, 268; [1939] 4 All E.R. 281, C.A. **Applied,** *Mears v. Safecar Security Ltd.* [1981] I.C.R. 409
Dictum of du Parcq L.J. applied, *Mears v. Safecar Security Ltd.* [1982] I.C.R. 626

Philips v. Bury (1964) Holt K.B. 715. **Applied,** *R. v. Hull University Visitor, Ex parte Page* [1993] I.C.R. 114

Phillips v. Robertson Thain Ltd. [1962] 1 W.L.R. 227, 233; [1962] 1 All E.R. 527, D.C. **Dictum of Lord Parker C.J. applied,** *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695

Phonographic Performance Ltd. v. Amusement Caterers (Peckham) Ltd. [1964] Ch. 195; [1963] 3 W.L.R. 898; [1963] 3 All E.R. 493. **Considered,** *Con-Mech Engineers) Ltd. v. AUEW* [1973] I.C.R. 620

hosphate Sewage Co. Ltd. v. Molleson (1879) 4 App. Cas. 801, 814, H.L.(Sc.). **Dictum of Lord Cairns L.C. applied,** *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485

hoto Production Ltd. v. Securicor Transport Ltd. [1980] A.C. 827; [1980] 2 W.L.R. 283; [1980] 1 All E.R. 556, H.L.(E.). **Applied,** *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938

hotostatic Copiers (Southern) Ltd. v. Okuda [1995] I.R.L.R. 11, E.A.T. **Not followed,** *Secretary of State for Trade and Industry v. Cook* [1997] I.C.R. 288

ickford v. Imperial Chemical Industries Plc. [1997] I.C.R. 566, C.A. **Decision of the Court of Appeal reversed** [1998] I.C.R. 673

ickstone v. Freemans Plc. [1986] I.C.R. 886, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1987] I.C.R. 867

ickstone v. Freemans Plc. [1987] I.C.R. 867; [1987] 3 W.L.R. 811; [1987] 3 All E.R. 756, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1988] I.C.R. 697

ickstone v. Freemans Plc. [1988] I.C.R. 697; [1989] A.C. 66; [198] 3 W.L.R. 265; [1988] 2 All E.R. 803, H.L.(E.). **Applied,** *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341; *Pepper v. Hart* [1993] I.C.R. 291

iggott Brothers & Co. Ltd. v. Jackson [1992] I.C.R. 85, C.A. **Applied,** *St. Basil's Centre Ltd. v. McCrossan* [1992] I.C.R. 140

ink v. White & White (Earls Barton) Ltd. [1985] I.R.L.R. 489, E.A.T. **Not followed,** *Safeway Stores Plc. v. Burrell* [1997] I.C.R. 523

inna v. Caisse d'allocations familiales de la Savoie (Case 41/84) [1986] E.C.R. 1, E.C.J. **Applied,** *Merino Garcia v. Bundesanstalt für Arbeit* (Case C-266/95) [1998] I.C.R. 715

irelli General Cable Works Ltd. v. Murray [1979] I.R.L.R. 190, 192, E.A.T. **Dicta of Bristow J. considered,** *Cowley v. Manson Timber Ltd.* [1994] I.C.R. 252

lowman (G. W.) & Son Ltd. v. Ash [1964] 1 W.L.R. 568; [1964] 2 All E.R. 10, C.A. **Applied,** *Business Seating (Renovations) Ltd. v. Broad* [1989] I.C.R. 729

olkey v. A. E. Dayton Services Ltd. [1987] I.C.R. 301; [1987] 1 W.L.R. 1147; [1987] 1 All E.R. 984, C.A. **Decision of the Court of Appeal reversed** [1988] I.C.R. 142

olkey v. A. E. Dayton Services Ltd. [1988] I.C.R. 142, 162; [1988] A.C. 344; [1987] 3 W.L.R. 1153; [1987] 3 All E.R. 974, H.L.(E.). **Applied,** *Walls Meat Co. Ltd. v. Selby* [1989] I.C.R. 601; *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1; *Westminster City Council v. Cabaj* [1996] I.C.R. 960
Considered, *Chaplin v. H. J. Rawlinson Ltd.* [1991] I.C.R. 553; *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658; *Digital Equipment Co. Ltd. v. Clements* [1996] I.C.R. 829; *Constantine v. McGregor Cory Ltd.* [2000] I.C.R. 938
Dictum of Lord Bridge of Harwich explained, *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113

ollard, *In re* (1902) 18 T.L.R. 717. **Doubted,** *Eckman v. Midland Bank Ltd.* [1973] I.C.R. 71

ollard, *In re* [1903] 2 K.B. 41, C.A. **Considered,** *Eckman v. Midland Bank Ltd.* [1973] I.C.R. 71

orcelli v. Strathclyde Regional Council [1985] I.C.R. 177, E.A.T.(Sc.). **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 564

orcelli v. Strathclyde Regional Council [1985] I.C.R. 177, E.A.T.(Sc.). **Considered,** *De Souza v. Automobile Association* [1986] I.C.R. 514

orcelli v. Strathclyde Regional Council [1986] I.C.R. 564, Ct. of Sess. **Applied,** *Burton v. De Vere Hotels Ltd.* [1997] I.C.R. 1
Considered, *Stewart v. Cleveland Guest (Engineering) Ltd.* [1996] I.C.R. 535; *Smith v. Gardner Merchant Ltd.* [1999] I.C.R. 134

orrini v. European Atomic Energy Community (Case 65/74) [1975] E.C.R. 319, E.C.J. **Considered,** *Maidment v. Commission of the European Communities* [1999] I.C.R. 577

ortec (U.K.) Ltd. v. Mogensen [1976] I.C.R. E.A.T. **Applied,** *Wilson v. Maynard Shipbuilding Consultants A.B.* [1977] I.C.R. 112

orter v. Bandridge Ltd. [1978] I.C.R. 943; [1978] 1 W.L.R. 1145, C.A. **Followed,** *Riley v. Tesco Stores Ltd.* [1980] I.C.R. 323
Considered, *Wall's Meat Co. Ltd. v. Khan* [1979] I.C.R. 52

ort of London Authority v. Payne [1993] I.C.R. 30, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1994] I.C.R. 555

ost Office v. Adekeye [1995] I.C.R. 540, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 110

Post Office v. Adekeye [1997] I.C.R. 110, C.A. **Considered,** *Coote v. Granada Hospitality Ltd. (No. 2)* [1999] I.C.R. 942

Post Office v. Crouch (sub nom. Post Office v. Ravyts) [1972] I.C.R. 174, N.I.R.C. **Decision of the National Industrial Relations Court reversed** [1973] I.C.R. 366

Post Office v. Crouch [1973] I.C.R. 366; [1973] 1 W.L.R. 766; [1973] 3 All E.R. 225, C.A. **Decision of the Court of Appeal affirmed** [1974] I.C.R. 378

Post Office v. Couch [1973] I.C.R. 366; [1973] 1 W.L.R. 766; [1973] 3 All E.R. 225, C.A. **Applied,** *Howlev. G.E.C. Power Engineering Ltd.* [1974] I.C.R. 13

Post Office v. Crouch [1974] I.C.R. 378; [1974] 1 W.L.R. 89; [1974] 1 All E.R. 229, H.L.(E.). **Applied,** *Zucker v. Astrid Jewels Ltd.* [1978] I.C.R. 1088
Considered, *Fitzpatrick v. British Railways Board* [1990] I.C.R. 574
Distinguished, *Post Office v. Adams* [1974] I.C.R. 375

Post Office v. Marney [1990] I.R.L.R. 170, E.A.T. **Considered,** *Westminster City Council v. Cabaj* [1996] I.C.R. 960

Post Office v. Moore [1981] I.C.R. 623, E.A.T. **Applied,** *Hetton Victory Club Ltd. v. Swainston* [1983] I.C.R. 139, 341

Post Office v. Norwich Union Fire Insurance Society Ltd. [1967] 2 Q.B. 363; [1967] 2 W.L.R. 709; [1967] 1 All E.R. 577, C.A. **Approved,** *Bradley v. Eagle Star Insurance Co. Ltd.* [1989] I.C.R. 301

Post Office v. Ravyts [1972] I.C.R. 174, N.I.R.C. **Applied,** *King v. Post Office* [1973] I.C.R. 120

Post Office v. Union of Communication Workers [1990] I.C.R. 258, 268; [1990] 1 W.L.R. 981; [1990] 3 All E.R. 199, C.A. **Dictum of Lord Donaldson of Lymington M.R. not followed,** *London Underground Ltd. v. National Union of Railwaymen, Maritime and Transport Staff* [1996] I.C.R. 170

Post Office v. Wallser [1981] 1 All E.R. 668, 673, C.A. **Dictum of Bridge L.J. applied,** *Waite v. Government Communications Headquarters* [1983] I.C.R. 359
Considered, *Duke v. Reliance Systems Ltd.* [1982] I.C.R. 449
Dictum of Lawton L.J. not applied, *Mauldon v. British Telecommunications Plc.* [1987] I.C.R. 450

Powdrill v. Watson [1994] I.C.R. 395; [1994] 2 All E.R. 513, C.A. **Decision of the Court of Appeal varied** [1995] I.C.R. 1100

Powell v. Brent London Borough Council [1988] I.C.R. 176, C.A. **Considered,** *Wishart v. National Association of Citizens Advice Bureaux Ltd.* [1990] I.C.R. 794
Distinguished, *Alexander v. Standard Telephones & Cables Plc.* [1990] I.C.R. 291

Power Packing Casemakers Ltd. v. Faust [1981] I.C.R. 484, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1983] I.C.R. 292

Powley v. Advisory, Conciliation and Arbitration Service [1978] I.C.R. 123. **Distinguished,** *National Employers Life Assurance Co. Ltd. v. Advisory, Conciliation and Arbitration Service* [1979] I.C.R. 620

Practice Direction (E.A.T.: Appeals) [1978] I.C.R. 621; [1978] 1 W.L.R. 573; [1978] 2 All E.R. 293, E.A.T. **Revoked,** *Practice Direction (E.A.T.: Procedure)* [1981] I.C.R. 287

Practice Direction (E.A.T.: Preliminary Hearing) [1985] I.C.R. 684, E.A.T. **Superseded,** *Practice Direction (E.A.T.: Procedure)* [1996] I.C.R. 422

Practice Direction (E.A.T.: Procedure) [1981] I.C.R. 287; [1981] 1 W.L.R. 323; [1981] 1 All E.R. 853, E.A.T. **Superseded,** *Practice Direction (E.A.T.: Procedure)* [1996] I.C.R. 422

Prajapati v. Richard Thomas and Baldwins Ltd. (1966) 1 I.T.R. 564. **Considered,** *E. T. Marler Ltd. v. Robertson* [1974] I.C.R. 72

Premier Motors (Medway) Ltd. v. Total Oil Great Britain Ltd. [1984] I.C.R. 58, 63; [1984] 1 W.L.R. 377, E.A.T. **Approved,** *Secretary of State for Employment v. Spence* [1986] I.C.R. 651
Considered, *Bullard v. Marchant* [1986] I.C.R. 389
Dictum considered, *Fenton v. Stablegold Ltd.* [1986] I.C.R. 236
Dictum of Browne-Wilkinson J. disapproved, *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341

Prenn v. Simmonds [1971] 1 W.L.R. 1381; [1971] 3 All E.R. 237, H.L.(E.). **Considered,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Presho v. Department of Health and Social Security [1983] I.C.R. 595, C.A. **Decision of the Court of Appeal reversed** [1984] I.C.R. 463

Prestcold Ltd. v. Irvine [1980] I.C.R. 610, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1981] I.C.R. 777

Preston v. Wolverhampton Healthcare N.H.S. Trust [1996] I.R.L.R. 484, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 899

Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899, C.A. **Decision of the Court of Appeal affirmed in part** [1998] I.C.R. 227

Preston v. Wolverhampton Healthcare N.H.S. Trust [1998] I.C.R. 227; [1998] 1 W.L.R. 280; [1998] 1 All E.R. 528, H.L.(E.). **Considered,** *Young v. National Power Plc.* [2000] I.C.R. 78

Price v. Civil Service Commission [1978] I.C.R. 27, 32; [1977] 1 W.L.R. 1417; [1978] 1 All E.R. 1228, E.A.T. **Dictum of Phillips J. approved,** *Perera v. Civil Service Commission (No. 2)* [1983] I.C.R. 428
Applied, *Mandla (Sewa Singh) v. Dowell Lee* [1983] I.C.R. 385

Printers & Finishers Ltd. v. Holloway [1965] 1 W.L.R. 1; (Note) [1964] 3 All E.R. 54; [1964] 3 All E.R. 731. **Applied,** *Faccenda Chicken Ltd. v. Fowler* [1984] I.C.R. 589; [1986] I.C.R. 297

Prison Service v. Johnson [1997] I.C.R. 275, E.A.T. **Followed,** *Racial Equality Council Cleveland v. Widlinski* [1998] I.C.R. 1124; *Gbaja-Biamila v. DHL International (UK) Ltd.* [2000] I.C.R. 730; *Tchoula v. ICTS (U.K.) Ltd.* [2000] I.C.R. 1191

Pritam Kaur v. S. Russell & Sons Ltd. [1973] Q.B. 336; [1973] 2 W.L.R. 147; [1973] 1 All E.R. 617, C.A. **Applied,** *Anglo Continental School of English (Bournemouth) Ltd. v. Gardiner* [1973] I.C.R. 261; *Ford v. Stakis Hotels & Inns Ltd.* [1987] I.C.R. 943
Distinguished, *Dorber v. London Brick Co. Ltd.* [1974] I.C.R. 270; *Hetton Victory Club Ltd. v. Swainston* [1983] I.C.R. 139, 341

Property and Reversionary Investment Corpn. Ltd. v. Templar [1977] 1 W.L.R. 1223; [1978] 2 All E.R. 433, C.A. **Distinguished,** *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799

Providence Capitol Trustees Ltd. v. Ayres [1996] 4 All E.R. 760. **Considered,** *University of Nottingham v. Eyett (No. 2)* [1999] I.C.R. 730

Prudential Assurance Co.'s Trust Deed, *In re*; Horne v. Prudential Assurance Co. Ltd. [1934] Ch. 338, 388. **Applied,** *Marshall v. N.M. Financial Management Ltd.* [1995] I.C.R. 1042

Publishers Association v. Commission of the European Communities (No. 2) (Case T-66/89) [1992] I.C.R. 842; [1992] 4 All E.R. 70; [1992] E.C.R. II-1995, C.F.I. (E.C.J.) **Decision of the Court of First Instance reversed in part** [1996] I.C.R. 121

Puglia v. C. James & Sons [1996] I.C.R. 301, E.A.T. **Considered,** *Savage v. Saxena* [1998] I.C.R. 357 **Not followed,** *Rubenstein v. McGloughlin* [1997] I.C.R. 318

Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government [1960] A.C. 260, 286; [1959] 3 W.L.R. 346; [1959] 3 All E.R. 1, H.L.(E.). **Dictum of Viscount Simonds not applied,** *General Electric Co. Ltd. v. Price Commission* [1975] I.C.R. 1

Quarcoopome v. Sock Shop Holdings Ltd. [1995] I.R.L.R. 353, E.A.T. **Considered,** *Smith v. Zeneca (Agrochemicals) Ltd.* [2000] I.C.R. 800

R.M.C. Roadstone Products Ltd. v. Jester [1994] I.C.R. 456; [1994] 4 All E.R. 1037, D.C. **Disapproved,** *R. v. Associated Octel Co. Ltd.* [1995] I.C.R. 281; [1996] I.C.R. 972

R. v. A.I. Industrial Products Plc. [1987] I.C.R. 418; [1987] 2 All E.R. 368, C.A. **Overruled,** *Nurse v. Morganite Crucible Ltd.* [1989] I.C.R. 15

R. v. Army Board of the Defence Council, *Ex parte* Anderson [1991] I.C.R. 537; [1992] Q.B. 169; [1991] 3 W.L.R. 42; [1991] 3 All E.R. 375, D.C. **Considered,** *Khan v. General Medical Council* [1993] I.C.R. 627

R. v. Associated Octel Co. Ltd. [1995] I.C.R. 281, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1996] I.C.R. 972

R. v. Associated Octel Co. Ltd. [1995] I.C.R. 281, C.A. **Applied,** *R. v. British Steel Plc.* [1995] I.C.R. 586

R. v. Associated Octel Co. Ltd. [1996] I.C.R. 972; [1996] 1 W.L.R. 1543; [1996] 4 All E.R. 846, H.L.(E.). **Applied,** *R. v. Nelson Group Services (Maintenance) Ltd.* [1999] I.C.R. 1004
Considered, *R. v. Gateway Foodmarkets Ltd.* [1997] I.C.R. 382

R. v. Aston University Senate, *Ex parte* Roffey [1969] 2 Q.B. 538; [1959] 2 W.L.R. 1418; [1969] 2 All E.R. 964, D.C. **Considered,** *R. v. Post Office, Ex parte Byrne* [1975] I.C.R. 221

R. v. Birmingham City Council, *Ex parte* Equal Opportunities Commission [1989] A.C. 1155; [1989] 2 W.L.R. 520; [1989] 1 All E.R. 769, H.L.(E.). **Applied,** *Jamesv. Eastleigh Borough Council* [1990] I.C.R. 554; *Burton v. De Vere Hotels Ltd.* [1997] I.C.R. 1; *Nagarajan v. London Regional Transport* [1999] I.C.R. 877
Considered, *James v. Eastleigh Borough Council* [1989] I.C.R. 423
Distinguished, *Webb v. Emo Air Cargo (U.K.) Ltd.* [1993] I.C.R. 175

R. v. Board of Trustees of the Science Museum [1993] I.C.R. 876; [1993] 1 W.L.R. 1171; [1993] 3 All E.R. 853, C.A. **Applied,** *R. v. British Steel Plc.* [1995] I.C.R. 586

R. v. Central Arbitration Committee, *Ex parte* Banking Insurance and Finance Union [1982] I.C.R. 206. **Decision of Hodgson J. reversed** [1983] I.C.R. 27

R. v. Certification Officer, *Ex parte* Amalgamated Union of Engineering Workers (Engineering Section) [1982] I.C.R. 34. **Decision of McNeill J. affirmed** [1983] I.C.R. 125

R. v. Certification Officer for Trade Unions and Employers' Associations, *Ex parte* Electrical Power Engineers' Association [1990] I.C.R. 156, C.A. **Decision of the Court of Appeal reversed** [1990] I.C.R. 682

R. v. Civil Service Appeal Board, *Ex parte* Bruce [1988] I.C.R. 649, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1989] I.C.R. 171

R. v. Civil Service Appeal Board, *Ex parte* Bruce [1988] I.C.R. 649, D.C. **Not followed,** *R. v. Lord Chancellor's Department, Ex parte Nangle* [1991] I.C.R. 743

R. v. Civil Service Appeal Board, *Ex parte* Bruce [1988] I.C.R. 649; [1988] 3 All E.R. 686, D.C.; [1989] I.C.R. 171; [1989] 2 All E.R. 907, C.A. **Considered,** *McClaren v. Home Office* [1990] I.C.R. 824

R. v. Civil Service Appeal Board, *Ex parte* Bruce [1989] I.C.R. 171; [1989] 2 All E.R. 907, C.A. **Considered,** *McClaren v. Home Office* [1989] I.C.R. 550

R. v. Clark (No. 2) [1964] 2 Q.B. 315; [1963] 3 W.L.R. 1067; [1963] 3 All E.R. 884, C.C.A. **Applied,** *Hubbard v. Pitt* [1975] I.C.R. 77

R. v. Commission for Racial Equality, *Ex parte* Hillingdon London Borough Council [1982] A.C. 779; [1982] 3 W.L.R. 159, H.L.(E.). **Applied,** *In re Prestige Group Plc.* [1984] I.C.R. 473

R. v. Commission for Racial Equality, *Ex parte* Westminster City Council [1984] I.C.R. 770. **Decision of Woolf J. affirmed in part** [1985] I.C.R. 827

R. v. Commission for Racial Equality, *Ex parte* Westminster City Council [1984] I.C.R. 770.
Considered, *James v. Eastleigh Borough Council* [1989] I.C.R. 423

R. v. Criminal Injuries Compensation Board, *Ex parte* Lain [1967] 2 Q.B. 864, 882, 890; [1967] 3 W.L.R. 348; [1967] 2 All E.R. 770, D.C. **Applied,** *Council of Civil Service Unions v. Minister for the Civil Service* [1985] I.C.R. 14
Dicta of Lord Parker C.J. and Ashworth J. applied, *R. v. Post Office, Ex parte Byrne* [1975] I.C.R. 221
Dictum of Lord Parker C.J. applied, *R. v. British Broadcasting Corpn., Ex parte Lavelle* [1983] I.C.R. 99

R. v. Denbigh Justices, *Ex parte* Williams [1974] Q.B. 759; [1974] 3 W.L.R. 45; [1974] 2 All E.R. 1052, D.C. **Distinguished,** *Storer v. British Gas Plc.* [2000] I.C.R. 603

R. v. Department of Health, *Ex parte* Gandhi [1991] I.C.R. 805; [1991] 1 W.L.R. 1053; [1991] 4 All E.R. 547, D.C. **Applied,** *Khan v. General Medical Council* [1996] I.C.R. 1032

R. v. Deputy Industrial Injuries Comr., *Ex parte* Humphreys [1966] 2 Q.B. 1; [1966] 2 W.L.R. 63; [1965] 3 All E.R. 885, C.A. **Applied,** *R. v. Industrial Injuries Comr., Ex parte Langley* [1976] I.C.R. 36

R. v. East Berkshire Health Authority, *Ex parte* Walsh [1984] I.C.R. 743, 757; [1985] Q.B. 152; [1984] 3 W.L.R. 818; [1984] 3 All E.R. 425, C.A. **Applied,** *R. v. Civil Service Appeal Board, Ex parte Bruce* [1988] I.C.R. 649
Dictum of May L.J. applied, *R. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1993] I.C.R. 251
Considered, *R. v. Derbyshire County Council, Ex parte Noble* [1990] I.C.R. 808
Distinguished, *R. v. Secretary of State for the Home Department, Ex parte Benwell* [1984] I.C.R. 723

R. v. Gateway Foodmarkets Ltd. [1997] I.C.R. 382; [1997] 3 All E.R. 78, C.A. **Considered,** *R. v. Nelson Group Services (Maintenance) Ltd.* [1999] I.C.R. 1004

R. v. Hall (Peter Michael) [1981] 1 W.L.R. 1510; [1982] 1 All E.R. 75, C.A. **Applied,** *R. v. Nelson Group Services (Maintenance) Ltd.* [1999] I.C.R. 1004

v. Hampshire County Council, *Ex parte* Ellerton (1984) 83 L.G.R. 54. **Decision of McCullough J. affirmed** [1985] I.C.R. 317

v. Hampshire County Council, *Ex parte* Ellerton [1985] I.C.R. 317; [1985] 1 W.L.R. 749; [1985] 1 All E.R. 599, C.A. **Applied,** *Saeed v. Inner London Education Authority* [1985] I.C.R. 637

v. Hull University Visitor, *Ex parte* Page [1992] I.C.R. 67; [1991] 1 W.L.R. 1277; [1991] 4 All E.R. 747, C.A. **Decision of the Court of Appeal reversed in part** [1993] I.C.R. 114

v. Immigration Appeal Tribunal, *Ex parte* Khan (Mahmud) [1983] Q.B. 790, 790–795; [1983] 2 W.L.R. 759; [1983] 2 All E.R. 420, C.A. **Dicta of Lord Lane C.J. applied,** *R. v. Civil Service Appeal Board, Ex parte Cunningham* [1992] I.C.R. 816

v. Industrial Court, *Ex parte* A.S.S.E.T. [1965] 1 Q.B. 377; [1964] 3 W.L.R. 680; [1964] 3 All E.R. 130, D.C. **Disapproved,** *Imperial Metal Industries (Kynoch) Ltd. v. Amalgamated Union of Engineering Workers (Technical, Administrative and Supervisory Section)* [1979] I.C.R. 23

v. Industrial Disputes Tribunal, *Ex parte* Portland Urban District Council [1955] 1 W.L.R. 949; [1955] 3 All E.R. 18, C.A. **Applied,** *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

v. Industrial Injuries Comr., *Ex parte* Amalgamated Engineering Union (No. 2) [1966] 2 Q.B. 31; [1966] 2 W.L.R. 91; [1966] 1 All E.R. 97, C.A. **Considered,** *R. v. National Insurance Comr., Ex parte Michael* [1977] I.C.R. 121

v. Industrial Injuries Comr., *Ex parte* Langley [1976] I.C.R. 36, D.C. **Applied,** *R. v. National Insurance Comrs., Ex parte Steel* [1978] I.C.R. 974

v. Inhabitants of Credition (1831) 2 B. & Ad. 493. **Applied,** *Wiltshire Police Authority v. Wynn* [1980] I.C.R. 401
Considered, *Wiltshire Police Authority v. Wynn* [1980] I.C.R. 649

v. Inhabitants of Laindon (1799) 8 Term. Rep. 379. **Considered,** *Wiltshire Police Authority v. Wynn* [1980] I.C.R. 649

v. Inland Revenue Comrs., *Ex parte* National Federation of Self-Employed and Small Businesses Ltd. [1982] A.C. 617, 648; [1981] 2 W.L.R. 722; [1981] 2 All E.R. 93, H.L.(E.). **Dictum of Lord Scarman not followed,** *R. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1994] I.C.R. 317

v. Kellett [1976] Q.B. 372; [1975] 3 W.L.R. 713; [1975] 3 All E.R. 468, C.A. **Applied,** *Peach Grey & Co. v. Sommers* [1995] I.C.R. 549

v. Lovegrove [1951] 1 All E.R. 804, C.C.A. **Applied,** *Hamlet v. General Municipal Boilermakers and Allied Trades Union* [1987] I.C.R. 150

v. Mara [1987] I.C.R. 165, 169; [1987] 1 W.L.R. 87; [1987] 1 All E.R. 478, C.A. **Dicta of Parker L.J. approved,** *R. v. Associated Octel Co. Ltd.* [1996] I.C.R. 972
Considered, *R. v. Associated Octel Co. Ltd.* [1995] I.C.R. 281

v. Ministry of Defence, *Ex parte* Smith [1996] I.C.R. 740, 767A; [1996] Q.B. 517; [1996] 2 W.L.R. 305; [1996] 1 All E.R. 257, C.A. **Applied,** *Smith v. Gardner Merchant Ltd.* [1996] I.C.R. 790
Dictum of Simon Brown L.J. considered, *Smith v. Gardner Merchant Ltd.* [1999] I.C.R. 134

v. National Coal Board, *Ex parte* National Union of Mineworkers [1986] I.C.R. 791. **Doubted,** *R. v. British Coal Corpn., Ex parte Vardy* [1993] I.C.R. 720

v. National Insurance Comr., *Ex parte* Hudson [1972] A.C. 944; [1972] 1 W.L.R. 210; [1972] 1 All E.R. 145, H.L.(E.). **Considered,** *Chief Adjudication Officer v. Faulds* [2000] I.C.R. 1297

v. National Insurance Comr., *Ex parte* Michael [1976] I.C.R. 90; [1976] 1 All E.R. 566, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed on different grounds** [1977] I.C.R. 121

v. National Insurance Comr., *Ex parte* Stratton [1978] 1 W.L.R. 1041; [1979] 1 All E.R. 1, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1979] I.C.R. 290

v. National Insurance Comr., *Ex parte* Stratton [1979] I.C.R. 290, 294, 300; [1979] Q.B. 361; [1979] 2 W.L.R. 389; [1979] 2 All E.R. 278, C.A. **Dicta of Lord Denning M.R. and Bridge L.J. approved,** *Presho v. Department of Health and Social Security* [1984] I.C.R. 463

v. North London (North) Industrial Tribunal, *Ex parte* Associated Newspapers Ltd. [1998] I.C.R. 1212. **Considered,** *Leicester University v. A.* [1999] I.C.R. 701

v. Police Complaints Board, *Ex parte* Madden [1983] 1 W.L.R. 447, 467; [1983] 2 All E.R. 353. **Dictum of McNeill J. doubted,** *R. v. Hampshire County Council, Ex parte Ellerton* [1985] I.C.R. 317

v. Porter [1910] 1 K.B. 369, C.C.A. **Considered,** *Drake v. Morgan* [1978] I.C.R. 56

R. v. Schildkamp [1971] A.C. 1; [1970] 2 W.L.R. 279; [1969] 3 All E.R. 1640, H.L.(E.) **Applied,** *Lloyds Bank Ltd. v. Secretary of State for Employment* [1979] I.C.R. 258

R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1993] I.C.R. 251; [1993] 1 W.L.R. 872; [1993] 1 All E.R. 1022, C.A. **Decision of the Court of Appeal reversed** [1994] I.C.R. 317

R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1992] I.C.R. 341; [1992] 1 All E.R. 454, D.C.; [1993] I.C.R. 251; [1993] 1 W.L.R. 872; [1993] 1 All E.R. 1022, C.A. **Considered,** *Barry v. Midland Bank Plc.* [1997] I.C.R. 192

R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1993] I.C.R. 251, 263-264; [1993] 1 W.L.R. 872; [1993] 1 All E.R. 1022, C.A.; [1994] I.C.R. 317, 331–332; [1994] 2 W.L.R. 409; [1994] 1 All E.R. 910, H.L.(E.). **Dicta of Dillon L.J. and Lord Keith of Kinkel applied,** *Mediguard Services Ltd. v. Thame* [1994] I.C.R. 751
Considered, *Barry v. Midland Bank Plc.* [1999] I.C.R. 319

R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1994] I.C.R. 317; [1995] 1 A.C. 1; [1994] 2 W.L.R. 409; [1994] 1 All E.R. 910, H.L.(E.) **Applied,** *Colley v. Corkindale* [1995] I.C.R. 965; *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889; *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1998] I.C.R. 640
Dictum of Lord Keith of Kinkel applied, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1997] I.C.R. 371
Observations of Lord Keith of Kinkel applied, *Secretary of State for Employment v. Mann* [1996] I.C.R. 197
Considered, *Biggs v. Somerset County Council* [1995] I.C.R. 811
Applied, *Reg. v. South Bank University, Ex parte Coggeran* [2000] I.C.R. 1342

R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A. **Decision of the Court of Appeal reversed in part** [1997] I.C.R. 371

R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A. **Decision of the Court of Appeal reversed in part** [2000] I.C.R. 244

R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A. **Considered,** *R. v. Secretary of State for Trade and Industry, Ex parte UNISON* [1996] I.C.R. 1003

R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1997] I.C.R. 371; [1997] 1 W.L.R. 473; [1997] 2 All E.R. 273, H.L.(E.). **Considered,** *Davidson v. City Electrical Factors Ltd.* [1998] I.C.R. 443

R. v. Secretary of State for Health, *Ex parte* Richardson (Case C-137/94) [1996] I.C.R. 471; [1995] All E.R. (E.C.) 865; [1995] E.C.R. I-3407, E.C.J. **Applied,** *Atkins v. Wrekin District Council* (Case C-228/94) [1997] I.C.R. 75; *R. v. Secretary of State for Social Security, Ex parte Taylor* (Case C-382/98) [2000] I.C.R. 843

R. v. Secretary of State for Social Security, *Ex parte* Smithson (Case C-243/90) [1992] E.C.R. I-467, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471

R. v. Secretary of State for Social Services, *Ex parte* Khan [1973] 1 W.L.R. 187; [1973] 2 All E.R. 104, C.A. **Applied,** *Teachers' Pensions Agency v. Hill* [1999] I.C.R. 435

R. v. Secretary of State for the Environment, *Ex parte* Brent London Borough Council [1982] Q.B. 593, 645–646; [1982] 2 W.L.R. 693, D.C. **Dictum of Ackner L.J. considered,** *R. v. British Coal Corpn., Ex parte Union of Democratic Mineworkers* [1988] I.C.R. 36

R. v. Secretary of State for Environment, *Ex parte* Knowsley Metropolitan Borough Council (unreported), 31 July 1991; Court of Appeal (Civil Division) Transcript No. 794 of 1991, C.A. **Applied,** *R. v. Secretary of State for the Environment, Ex parte Oldham Metropolitan Borough Council* [1998] I.C.R. 367

R. v. Secretary of State for the Environment, *Ex parte* Oswestry Borough Council (unreported), 21 December 1994, Harrison J. **Applied,** *R. v. Secretary of State for the Environment, Ex parte Oldham Metroplitan Borough Council* [1998] I.C.R. 367

R. v. Secretary of State for the Home Department, *Ex parte* Bagga [1991] 1 Q.B. 485; [1990] 3 W.L.R. 1013; [1991] 1 All E.R. 777, C.A. **Applied,** *Ahmed v. Governmentof the Kingdom of Saudi Arabia* [1996] I.C.R. 25

R. v. Secretary of State for the Home Department, *Ex parte* Benwell [1984] I.C.R. 723; [1985] Q.B. 554; [1984] 3 W.L.R. 843; [1984] 3 All E.R. 854. **Not followed,** *R. v. Secretary of State for the Home Department, Ex parte Broom* [1985] I.C.R. 766

v. Secretary of State for the Home Department, *Ex parte* Brind [1991] 1 A.C. 696; [1991] 2 W.L.R. 588; [1991] 1 All E.R. 720, H.L.(E.). **Applied,** *Pepper v. Hart* [1993] I.C.R. 291
Considered, *R. v. Ministry of Defence, Ex parte Smith* [1996] I.C.R. 740

v. Secretary of State for the Home Department, *Exparte* Bugdaycay [1987] A.C. 514; [1987] 2 W.L.R. 606; [1987] 1 All E.R. 940, H.L.(E.). **Considered,** *R. v. Ministry of Defence, Ex parte Smith* [1996] I.C.R. 740

v. Secretary of State for the Home Department, *Ex parte* Khawaja [1984] A.C. 74; [1983] 2 W.L.R. 321; [1983] 1 All E.R. 765, H.L.(E.). **Applied,** *R. v. Hampshire County Council, Ex parte Ellerton* [1985] I.C.R. 317

v. Secretary of State for Trade and Industry, Ex parte UNISON [1996] I.C.R. 1003, D.C. **Considered,** *Addison v. Denholm Ship Management (U.K.) Ltd.* [1997] I.C.R. 770

v. Secretary of State for Trade, *Ex parte* Anderson Strathclyde Plc. [1983] 2 All E.R. 233, D.C. **Overruled,** *Pepper v. Hart* [1993] I.C.R. 291

v. Secretary of State for Transport, *Ex parte* Factortame Ltd. (No. 2) (Case C-213/89) [1991] 1 A.C. 603; [1990] 3 W.L.R. 818; [1991] 1 All E.R. 70, E.C.J. **Applied,** *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R. 722

v. H. Sherman Ltd. [1949] 2 K.B. 674; [1949] 2 All E.R. 207, C.C.A. **Distinguished,** *R. v. Nelson Group Services (Maintenance) Ltd.* [1999] I.C.R. 1004

v. Swan Hunter Shipbuilders Ltd. [1981] I.C.R. 831; [1982] 1 All E.R. 264, C.A. **Considered,** *R.M.C. Roadstone Products Ltd. v. Jester* [1994] I.C.R. 456

v. Woodrow (1959) 43 Cr.App.R. 105, C.A. **Distinguished,** *R. v. Jones (John)* [1974] I.C.R. 310

ace Relations Board v. Applin [1973] Q.B. 815, 828, 831; [1973] 2 W.L.R. 895; [1973] 2 All E.R. 1190, C.A. **Dicta of Lord Denning M.R. and Stephenson L.J. applied,** *Zarczynska v. Levy* [1979] I.C.R. 184
Considered, *Conwell v. Newham London Borough Council* [2000] I.C.R. 42

ainey v. Greater Glasgow Health Board [1985] I.R.L.R. 414. **Decision of the First Division of the Inner House of the Court of Session affirmed** [1987] I.C.R. 129

ainey v. Greater Glasgow Health Board [1987] I.C.R. 129, 145; [1987] A.C. 224; [1986] 3 W.L.R. 1017; [1987] 1 All E.R. 65, H.L.(Sc.). **Applied,** *Bullock v. Alice Ottley School* [1993] I.C.R. 138; *British Coal Corpn. v. Smith* [1994] I.C.R. 810
Dictum of Lord Keith of Kinkel applied, *Hampson v. Department of Education and Science* [1989] I.C.R. 179
Considered, *Leverton v. Clwyd County Council* [1989] I.C.R. 33

alston v. Greater Glasgow Health Board, 1987 S.L.T. 386. **Approved,** *Knowles v. Liverpool City Council* [1994] I.C.R. 243

amseyer Motors Ltd. v. Broadway and Magee (1971) 11 K.I.R. 169, D.C. **Applied,** *Eaton v. R.K.B. (Furmston) Ltd.* [1972] I.C.R. 273

ankin v. British Coal Corpn. [1995] I.C.R. 744, E.A.T. **Followed,** *Methilhill Bowling Club v. Hunter* [1995] I.C.R. 793
Not followed, *Biggs v. Somerset County Council* [1995] I.C.R. 811
Distinguished, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799

ankine v. Fife Coal Co. Ltd. (1915) 8 B.W.C.C. 401. **Applied,** *Park v. National Coal Board* [1981] I.C.R. 783

ao v. Civil Aviation Authority [1992] I.C.R. 503, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1994] I.C.R. 495

ao v. Civil Aviation Authority [1994] I.C.R. 495, 502, C.A. **Dictum of Staughton L.J. applied,** *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349. **Considered,** *Cox v. Camden London Borough Council* [1996] I.C.R. 815

ashid v. Inner London Education Authority [1977] I.C.R. 157, E.A.T. **Approved,** *Ford v. Warwickshire County Council* [1982] I.C.R. 520
Overruled, *Ford v. Warwickshire County Council* [1983] I.C.R. 273

ask v. ISS Kantineservice A/S (Case C-209/91) [1992] E.C.R. 1-5755, E.C.J. **Applied,** *Kenny v. South Manchester College* [1993] I.C.R. 934; *Schmidt v. Spar- und Leihkasse der Früheren Ämter Bordesholm, Kiel und Cronshagen* (Case C-392/92) [1995] I.C.R. 237

Rasool v. Hepworth Pipe Co. Ltd. [1980] I.C.R. 494, 509, E.A.T. **Dictum of Waterhouse J. approved,** *Express & Star Ltd. v. Bunday* [1988] I.C.R. 379
Applied, *Terinex Ltd. v. D'Angelo* [1981] I.C.R. 12
Considered, *London Transport Executive v. Clarke* [1980] I.C.R. 532

Rath v. Cruden Construction Ltd. [1982] I.C.R. 60, E.A.T. **Considered,** *National Coal Board v. Ridgway* [1987] I.C.R. 641

Read v. Astoria Garage (Streatham) Ltd. [1952] 2 All E.R. 292, C.A. **Explained,** *Folami v. Nigerline (U.K.) Ltd.* [1978] I.C.R. 277

Ready Mixed Concrete (South East) Ltd. v. Minister of Pensions and National Insurance [1968] 2 Q.B. 497, 513; [1968] 2 W.L.R. 775; [1968] 1 All E.R. 433. **Dictum of MacKenna J. approved,** *Massey v. Crown Life Insurance Co.* [1978] I.C.R. 590
Applied, *Davis v. New England College of Arundel* [1977] I.C.R. 6; *B.S.M. (1257) Ltd. v. Secretary of State for Social Services* [1978] I.C.R. 894; *Wiltshire Police Authority v. Wynn* [1980] I.C.R. 401

Ready Mixed Concrete (South East) Ltd. v. Minister of Pensions and National Insurance [1968] 2 Q.B. 497; [1968] 2 W.L.R. 775; [1968] 1 All E.R. 433. **Followed,** *Express & Echo Ltd. v. Tanton* [1999] I.C.R. 693

Recher's Will Trusts, *In re* [1972] Ch. 526; [1971] 3 W.L.R. 321; [1971] 3 All E.R. 401. **Applied,** *Universe Tankships Inc. of Monrovia v. International Transport Workers Federation* [1981] I.C.R. 129

Redbridge London Borough Council v. Fishman [1978] I.C.R. 569, 574, E.A.T. **Dicta of Phillips J. followed,** *Farrant v. The Woodroffe School* [1998] I.C.R. 184
Applied, *Sim v. Rotherham Metropolitan Borough Council* [1986] I.C.R. 897

Reddington v. S. Straker & Sons Ltd. [1994] I.C.R. 172, 176, E.A.T. **Dicta considered,** *Selkent Bus Co. Ltd. v. Moore* [1996] I.C.R. 836

Redmond (Dr. Sophie) Stichting v. Bartol (Case C-29/91) [1992] E.C.R. 1-3189, E.C.J. **Applied,** *Schmidt v. Spar- und Leihkasse der Früheren Ämter Bordesholm, Kiel und Cronshagen* (Case C-392/92) [1995] I.C.R. 237; *Mercks v. Ford Motors Co. (Belgium) S.A.* (Case C-171/94) [1997] I.C.R. 352

Redpath Dorman Long (Contracting) Ltd. v. Sutton [1972] I.C.R. 477, N.I.R.C. **Approved,** *Tarmac Roadstone Holdings Ltd. v. Peacock* [1973] I.C.R. 273

Reed Packaging Ltd. v. Boozer [1988] I.C.R. 391, E.A.T. **Applied,** *Sheffield Metropolitan District Council v. Siberry* [1989] I.C.R. 208

Registrar of Restrictive Trading Agreements v. Schweppes Ltd. (No. 2) (1971) L.R. 7 R.P. 336, 373C–D; [1971] 1 W.L.R. 1148; [1971] 2 All E.R. 1473. **Dictum of Stamp J. disapproved,** *Associated Dairies Ltd. v. Baines* [1997] I.C.R. 652

Registrar of Restrictive Trading Agreements v. W. H. Smith & Son Ltd. [1969] 1 W.L.R. 1460; [1969] 3 All E.R. 1065, C.A. **Applied,** *R. v. Boal* [1992] I.C.R. 495

Reilly v. The King [1934] A.C. 176, P.C. **Applied,** *Tarnesby v. Kensington, Chelsea and Westminster Area Health Authority (Teaching)* [1980] I.C.R. 475

Reina v. Landeskreditbank Baden-Württemberg (Case 65/81) [1982] 1 C.M.L.R. 744, E.C.J. **Applied,** *MacMahon v. Department of Education and Science* [1983] I.C.R. 67

Retail Dairy Co. Ltd. v. Clarke [1912] 2 K.B. 388, D.C. **Applied,** *Nash v. Ryan Plant International Ltd.* [1977] I.C.R. 560

Retarded Children's Aid Society Ltd. v. Day [1978] I.C.R. 437; [1978] 1 W.L.R. 763, C.A. **Followed,** *Housing Corpn. v. Bryant* [1999] I.C.R. 123

Rewe-Zentralfinanz e.G. v. Landwirtschaftskammer für das Saarland (Case 33/76) [1976] E.C.R. 1989, E.C.J. **Applied,** *Vroege v. NCIV Instituut voor Volkshuisvesting B.V.* (Case C-57/93) [1995] I.C.R. 635
Considered, *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899

Richard Thomas & Baldwins Ltd. v. Cammings [1955] A.C. 321, 324; [1955] 2 W.L.R. 293; [1955] 1 All E.R. 285, H.L.(E.). **Dictum of Lord Reid applied,** *Mirza v. Ford Motor Co. Ltd.* [1981] I.C.R. 757

Rickard v. P. B. Glass Supplies Ltd. [1990] I.C.R. 150, C.A. **Applied,** *Barlow v. Whittle (trading as Micro Management)* [1990] I.C.R. 270

Rickless v. United Artists Corpn. [1988] Q.B. 40; [1987] 2 W.L.R. 945; [1987] 1 All E.R. 679, C.A. **Considered,** *Richardson v. Pitt-Stanley* [1995] I.C.R. 303

Ridge v. Baldwin [1964] A.C. 40; [1963] 2 W.L.R. 935; [1963] 2 All E.R. 66, H.L.(E.). **Applied,** *Stevenson v. United Road Transport Union* [1977] I.C.R. 893; *R. v. British Broadcasting Corpn., Ex parte Lavelle* [1983] I.C.R. 99; *R. v. East Berkshire Health Authority, Ex parte Walsh* [1984] I.C.R. 743
Considered, *Irani v. Southampton and South West Hampshire Health Authority* [1985] I.C.R. 590

Rigby v. Ferodo Ltd. [1987] I.C.R. 457, C.A. **Decision of the Court of Appeal affirmed** [1988] I.C.R. 29

Riley v. Chief Adjudication Officer (Note) [1988] I.C.R. 102, C.A. **Applied,** *Chief Adjudication Officer v. Brunt* [1988] I.C.R. 77

Riley v. Tesco Stores Ltd. [1979] I.C.R. 223, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 323

Rinner-Kühn v. F.W.W. Spezial-Gebäudereinigung G.m.b.H. & Co. K.G. (Case 171/88) [1989] E.C.R. 2743, E.C.J. **Applied,** *R. v. Secretary of State for Employment, Ex parte Equal Opportunities Commission* [1994] I.C.R. 317
Considered, *Chisholm v. Kirklees Metropolitan Borough Council* [1993] I.C.R. 826

Roach v. C.S.B. (Moulds) Ltd. [1991] I.C.R. 349, E.A.T. **Distinguished,** *Carrington v. Harwich Dock Co. Ltd.* [1998] I.C.R. 1112

Roadchef Ltd. v. Hastings [1988] I.R.L.R. 142, E.A.T. **Not followed,** *Rushton v. Hareros Timber & Building Supplies Ltd.* [1993] I.C.R. 230

Road Transport Industry Training Board v. Hales Containers Ltd. [1988] I.C.R. 640. **Decision of Kennedy J. affirmed** [1990] I.C.R. 116

Robb v. Green [1895] 2 Q.B. 315, C.A. **Applied,** *Faccenda Chicken Ltd. v. Fowler* [1986] I.C.R. 297

Roberts v. Cleveland Area Health Authority [1978] I.C.R. 370, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1979] I.C.R. 558

Roberts v. Cleveland Area Health Authority [1978] I.C.R. 370, 75, E.A.T. **Dictum of Phillips J. approved,** *Duke v. Reliance Systems Ltd.* [1988] I.C.R. 339
Considered, *Garland v. British Rail Engineering Ltd.* [1978] I.C.R. 495

Roberts v. Cleveland Area Health Authority [1979] I.C.R. 558; [1979] 1 W.L.R. 754; [1979] 2 All E.R. 1163, C.A. **Applied,** *Duke v. Reliance Systems Ltd.* [1987] I.C.R. 491

Roberts v. Tate & Lyle Food and Distribution Ltd. [1983] I.C.R. 521, 528–529, E.A.T. **Dictum of Browne-Wilkinson J. approved,** *Duke v. Reliance Systems Ltd.* [1988] I.C.R. 339

Roberts, Appeal of, *In re* Postmaster General [1939] 4 All E.R. 269. **Applied,** *Malins v. Post Office* [1975] I.C.R. 60

Robertson v. British Gas Corpn. [1983] I.C.R. 351, C.A. **Applied,** *Marley v. Forward Trust Group* [1986] I.C.R. 891
Considered, *National Coal Board v. National Union of Mineworkers* [1986] I.C.R. 736

Robertson v. Magnet Ltd. (Retail Division) [1993] I.R.L.R. 512, E.A.T. **Not followed,** *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1

Robertson v. R. B. Cowe & Co., 1970 S.L.T. 122. **Applied,** *Larner v. British Steel Plc.* [1993] I.C.R. 551

Robinson v. Crompton Parkinson Ltd. [1978] I.C.R. 401; [1978] I.R.L.R. 61, E.A.T. **Considered,** *Murco Petroleum Ltd. v. Forge* [1987] I.C.R. 282

Robinson v. Hill [1910] 1 K.B. 94, D.C. **Applied,** *Portsea Island Mutual Co-operative Society Ltd. v. Leyland* [1978] I.C.R. 1195

Robinson (William) & Co. Ltd. v. Heur [1898] 2 Ch. 451, C.A. **Applied,** *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905

Rogers v. Vosper Thornycroft (U.K.) Ltd. [1988] I.C.R. 305, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1989] I.C.R. 384

Rolfe v. Ray King Transport Ltd. (1966) 1 I.T.R. 454. **Considered,** *E. T. Marler Ltd. v. Robertson* [1974] I.C.R. 72

Rolls-Royce Plc. v. Doughty [1987] I.C.R. 932, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 538

Romilly v. Romilly [1964] P. 22; [1963] 3 W.L.R. 732; [1963] 3 All E.R. 607. **Applied,** *Goad v. AUEW (No. 3)* [1973] I.C.R. 108

Rookes v. Barnard [1964] A.C. 1129; [1964] 2 W.L.R. 269; [1964] 1 All E.R. 367, H.L.(E.). **Applied,** *Alexander v. Home Office* [1988] I.C.R. 685; *Bradford City Metropolitan Council v. Arora* [1989] I.C.R. 719; [1991] I.C.R. 226
Considered, *Cory Lighterage Ltd. v. TGWU* [1973] I.C.R. 197

Rose v. Henry Trickett & Sons Ltd. (1971) 6 I.T.R. 211, D.C. **Applied,** *Camelo v. Sheerlyn Productions Ltd.* [1976] I.C.R. 531; *Allman v. Rowland* [1977] I.C.R. 201

Ross v. Caunters [1980] Ch. 297; [1979] 3 W.L.R. 605; [1979] 3 All E.R. 580. **Considered,** *Lawton v. B.O.C. Transhield Ltd.* [1987] I.C.R. 7

Roux International Ltd. v. Licudi [1975] I.C.R. 424. **Distinguished,** *Portec (U.K.) Ltd. v. Mogensen* [1976] I.C.R. 396

Rovenska v. General Medical Council [1998] I.C.R. 85, C.A. **Explained,** *Cast v. Croydon College* [1998] I.C.R. 500

Rowan v. Machinery Installations (South Wales) Ltd. [1981] I.C.R. 386, E.A.T. **Applied,** *Ross v. Delrosa Corpn. Ltd.* [1981] I.C.R. 393

Roy v. Kensington and Chelsea and Westminster Family Practitioner Committee [1990] 1 Med.L.R. 328, C.A. **Not followed,** *Ealing, Hammersmith and Hounslow Family Health Services Authority v. Shukla* [1993] I.C.R. 710

Roy v. Kensington and Chelsea and Westminster Family Practitioner Committee [1992] 1 A.C. 624; [1992] 2 W.L.R. 239; [1992] 1 All E.R. 705, H.L.(E.). **Considered,** *Ealing, Hammersmith and Hounslow Family Health Services Authority v. Shukla* [1993] I.C.R. 710

Royal Institution of Chartered Surveyors' Application, *In re* [1985] I.C.R. 330, R.P.Ct. (E. & W.) **Decision of the Restrictive Practices Court affirmed** [1986] I.C.R. 550

Royal Ordnance Plc. v. Pilkington [1988] I.C.R. 606, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 737

Royal Society for the Prevention of Cruelty to Animals v. Cruden [1986] I.C.R. 205, E.A.T.
Considered, *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349

Royal Society for the Protection of Birds v. Croucher [1984] I.C.R. 604, E.A.T. **Followed,** *Boys and Girls Welfare Society v. Macdonald* [1997] I.C.R. 693
Considered, *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113

Rubenstein v. McGloughlin [1997] I.C.R. 318, E.A.T. **Considered,** *Savage v. Saxena* [1998] I.C.R. 357

Russell v. Duke of Norfolk [1949] 1 All E.R. 109, C.A. **Applied,** *Stevenson v. United Road Transport Union* [1977] I.C.R. 893

Ryan v. Shipboard Maintenance Ltd. [1980] I.C.R. 88, E.A.T. **Approved,** *Wiltshire County Council v. National Association of Teachers in Further and Higher Education* [1980] I.C.R. 455

S. & U. Stores Ltd. v. Lee [1969] 1 W.L.R. 626; [1969] 2 All E.R. 417, D.C. **Not followed,** *S. & U. Stores Ltd. v. Wilkes* [1974] I.C.R. 645

S. & U. Stores Ltd. v. Wilkes [1974] I.C.R. 645, N.I.R.C. **Distinguised,** *W.A. Armstrong & Sons Ltd. v. Borrill* [2000] I.C.R. 367

Safeway Stores Plc. v. Burrell [1997] I.C.R. 523, 539–540, E.A.T. **Approved,** *Murray v. Foyle Meats Ltd.* [1999] I.C.R. 827
Dicta not followed, *Church v. West Lancushire N.H.S. Trust* [1998] I.C.R. 423

Sainsbury (J.) Ltd. v. Savage [1979] I.C.R. 96, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1981] I.C.R. 1

Sainsbury (J.) Ltd. v. Savage [1979] I.C.R. 96, E.A.T. **Applied,** *Crown Agents for Overseas Governments and Administration v. Lawal* [1979] I.C.R. 103

Sainsbury (J.) Ltd. v. Savage [1979] I.C.R. 96, E.A.T.; [1981] I.C.R. 1, C.A. **Approved,** *West Midlands Co-operative Society Ltd. v. Tipton* [1986] I.C.R. 192

Sainsbury (J.) Ltd. v. Savage [1981] I.C.R. 1, C.A. **Applied,** *Post Office v. Adekeye* [1997] I.C.R. 110
Considered, *Post Office v. Adekeye* [1995] I.C.R. 541
Distinguished, *Drage v. Governing Body of Greenford High School* [2000] I.C.R. 899

St. Helens Colliery Co. Ltd. v. Hewitson [1924] A.C. 59, H.L.(E.). **Applied,** *Smith v. Stages* [1989] I.C.R. 272

St. John Shipping Corpn. v. Joseph Rank Ltd. [1957] 1 Q.B. 267; [1956] 3 W.L.R. 870; [1956] 3 All E.R. 683. **Applied,** *Coral Leisure Group Ltd. v. Barnett* [1981] I.C.R. 503

Sanders v. Ernest A. Neale Ltd. [1974] I.C.R. 565, 571; [1974] 3 All E.R. 327, N.I.R.C. **Applied,** *Brown v. Southall & Knight* [1980] I.C.R. 617

Considered, *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905

Dicta of Sir John Donaldson considered, *Boyo v. Lambeth London Borough Council* [1994] I.C.R. 727

Not approved, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755

Sandland v. Neale [1956] 1 Q.B. 241; [1955] 3 W.L.R. 689; [1955] 3 All E.R. 571, D.C. **Applied,** *Nash v. Ryan Plant International Ltd.* [1977] I.C.R. 560

Satanita, The [1895] P. 248, C.A. **Distinguished,** *Fisher v. Director General of Fair Trading* [1982] I.C.R. 71

Saunders v. Edwards [1987] 1 W.L.R. 1116, 1132; [1987] 2 All E.R. 651, C.A. **Applied,** *Hewcastle Catering Ltd. v. Ahmed* [1992] I.C.R. 626

Dicta of Nicholls L.J. considered, *Salvesen v. Simons* [1994] I.C.R. 409

Saunders v. Richmond-upon-Thames London Borough Council [1978] I.C.R. 75, E.A.T. **Considered,** *Brennan v. J. H. Dewhurst Ltd.* [1984] I.C.R. 52

Saxton v. National Coal Board (1970) 5 I.T.R. 196, D.C. **Applied,** *Barrett v. National Coal Board* [1978] I.C.R. 1101

Scally v. Southern Health and Social Services Board [1991] I.C.R. 771; [1992] 1 A.C. 294; [1991] 3 W.L.R. 778; [1991] 4 All E.R. 563, H.L.(N.I.). **Distinguished,** *University of Nottingham v. Eyett* [1999] I.C.R. 721

Scarth v. Economic Forestry Ltd. [1973] I.C.R. 322, 325, N.I.R.C. **Dictum of Sir Hugh Griffiths applied,** *Delanair Ltd. v. Mead* [1976] I.C.R. 522

Schmidt v. Austicks Bookshops Ltd. [1978] I.C.R. 85, E.A.T. **Applied,** *Smith v. Safeway Plc.* [1996] I.C.R. 868

Distinguished, *Smith v. Safeway Plc.* [1995] I.C.R. 472

Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Keil und Cronshagen (Case C-392/92) [1995] I.C.R. 237, E.C.J. **Applied,** *Kelman v. Care Contract Services Ltd.* [1995] I.C.R. 260

Schweppes Ltd. v. Registrar of Restrictive Trading Agreements (1965) L.R. 5 R.P. 103, 123; [1965] 1 W.L.R. 157; [1965] 1 All E.R. 195, C.A. **Dicta of Willmer L.J. applied,** *In re Cadbury Schweppes Ltd. and J. Lyons & Co. Ltd.'s Agreement* [1975] I.C.R. 240

Science Research Council v. Nassé [1978] I.C.R. 777, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1978] I.C.R. 1124

Science Research Council v. Nassé [1978] I.C.R. 1124; [1979] Q.B. 144; [1978] 3 W.L.R. 754; [1978] 3 All E.R. 1196, C.A. **Applied,** *British Railways Board v. Natarajan* [1979] I.C.R. 326

Science Research Council v. Nassé [1979] I.C.R. 921; [1980] A.C. 1028; [1979] 3 W.L.R. 762; [1979] 3 All E.R. 673, H.L.(E.). **Considered,** *British Library v. Palyza* [1984] I.C.R. 504

Scott v. Aveling Barford Ltd. [1978] I.C.R. 214; [1978] 1 W.L.R. 208, E.A.T. **Considered,** *Western Excavating (E.C.C.) Ltd. v. Sharp* [1978] I.C.R. 221

Scott v. Scott [1913] A.C. 417, H.L.(E.). **Applied,** *X v. Z Ltd.* [1998] I.C.R. 43; *Storer v. British Gas Plc.* [2000] I.C.R. 603

Scottish & Newcastle Breweries Plc. v. Halliday [1986] I.C.R. 577, E.A.T. **Applied,** *Morganite Electrical Carbon Ltd. v. Donne* [1988] I.C.R. 18

Not followed, *Fyfe v. Scientific Furnishings Ltd.* [1989] I.C.R. 648

Scottish Co-operative Wholesale Society Ltd. v. Lloyd [1973] I.C.R. 137, N.I.R.C. **Followed,** *Maris v. Rotherham Corpn.* [1974] I.C.R. 435

Sealand Petroleum Co. Ltd. v. Barratt [1986] I.C.R. 423; [1986] 1 W.L.R. 700; [1986] 2 All E.R. 360, D.C. **Approved,** *Bristow v. City Petroleum Ltd.* [1988] I.C.R. 165

Seaward v. Paterson [1897] 1 Ch. 545, C.A. **Considered,** *Con-Mech (Engineers) Ltd. v. AUEW* [1973] I.C.R. 620

Secretary of State for Employment v. Anchor Hotel (Kippford) Ltd. [1985] I.C.R. 724, E.A.T. **Considered,** *Secretary of State for Employment v. Spence* [1986] I.C.R. 181

Disapproved, *Secretary of State for Employment v. Spence* [1986] I.C.R. 651; *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341

Secretary of State for Employment v. ASLEF (No. 2) [1972] I.C.R. 19; [1972] 2 Q.B. 455; [1972] 2 W.L.R. 1370; [1972] 2 All E.R. 949, N.I.R.C. and C.A. **Applied,** *Power Packing Casemakers Ltd. v. Faust* [1981] I.C.R. 484; *British Telecommunications Plc. v. Ticehurst* [1992] I.C.R. 383

Considered, *Power Packing Casemakers Ltd. v. Faust* [1983] I.C.R. 292

Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1978] I.C.R. 473; [1978] Q.B. 86; [1977] 3 W.L.R. 293; [1978] 1 All E.R. 987, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1978] I.C.R. 1041

Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1978] I.C.R. 1041; [1979] Q.B. 183; [1978] 3 W.L.R. 679; [1978] 3 All E.R. 954, C.A. **Decision of the Court of Appeal reversed** [1979] I.C.R. 706

Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1978] I.C.R. 473; [1978] Q.B. 86; [1977] 3 W.L.R. 293; [1978] 1 All E.R. 987, E.A.T. **Distinguished,** *North East Coast Shiprepairers Ltd. v. Secretary of State for Employment* [1978] I.C.R. 755

Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1979] I.C.R. 706; [1980] A.C. 506; [1979] 3 W.L.R. 143; [1979] 2 All E.R. 1077, H.L.(E.). **Applied,** *Department of Health and Social Security v. Coy* [1984] I.C.R. 309; *Collison v. British Broadcasting Corpn.* [1998] I.C.R. 669

Secretary of State for Employment v. Jobling [1980] I.C.R. 380, 386, E.A.T. **Dictum not followed,** *Secretary of State for Employment v. John Woodrow & Sons (Builders) Ltd.* [1983] I.C.R. 582

Secretary of State for Employment v. John Woodrow & Sons (Builders) Ltd. [1983] I.C.R. 582, E.A.T. **Considered,** *Secretary of State for Employment v. Cheltenham Computer Bureau Ltd.* [1985] I.C.R. 381

Secretary of State for Employment v. Mann [1996] I.C.R. 197, E.A.T. **Decision of the Employment Appeal Tribunal reversed in part** [1997] I.C.R. 209

Secretary of State for Employment v. Mann [1997] I.C.R. 209, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1999] I.C.R. 898

Secretary of State for Employment v. Newcastle upon Tyne City Council [1980] I.C.R. 407, E.A.T. **Applied,** *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526

Secretary of State for Employment v. Spence [1986] I.C.R. 181, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1986] I.C.R. 651

Secretary of State for Employment v. Spence [1986] I.C.R. 651; [1987] Q.B. 179; [1986] 3 W.L.R. 380; [1986] 3 All E.R. 616, C.A. **Applied,** *Wheeler v. Patel* [1987] I.C.R. 631; *Brook Lane Finance Co. Ltd. v. Bradley* [1988] I.C.R. 423
Considered, *Lassman v. Secretary of State for Trade and Industry* [2000] I.C.R. 1109
Distinguished, *Litster v. Forth Dry Dock & Engineering Co. Ltd.* [1989] I.C.R. 341

Secretary of State for Employment v. Wilson [1978] I.C.R. 200; [1978] 1 W.L.R. 568; [1978] 3 All E.R. 137, E.A.T. **Approved,** *Westwood v. Secretary of State for Employment* [1985] I.C.R. 209
Applied, *Secretary of State for Employment v. Jobling* [1980] I.C.R. 380; *Westwood v. Secretary of State for Employment* [1982] I.C.R. 534
Considered, *Secretary of State for Employment v. Haynes* [1980] I.C.R. 371
Doubted, *Westwood v. Secretary of State for Employment* [1983] I.C.R. 820

Secretary of State for Scotland v. Wright [1991] I.R.L.R. 187, E.A.T. **Not followed,** *Biggs v. Somerset County Council* [1995] I.C.R. 811

Secretary of State for Trade and Industry v. Bottrill [1998] I.C.R. 564, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1999] I.C.R. 592

Secretary of State for Trade and Industry v. Bottrill [1999] I.C.R. 592, C.A. **Applied,** *Smith v. Secretary of State for Trade and Industry* [2000] I.C.R. 69

Sedleigh-Denfield v. O'Callaghan [1940] A.C. 880: [1940] 3 All E.R. 349, H.L.(E.). **Applied,** *News Group Newspapers Ltd. v. Society of Graphical and Allied Trades 1982 (No. 2)* [1987] I.C.R. 181

Selkent Bus Co. Ltd. v. Moore [1996] I.C.R. 836, E.A.T. **Considered,** *Smith v. Zeneca (Agrochemicals) Ltd.* [2000] I.C.R. 800

Sengupta v. Republic of India [1983] I.C.R. 221, 225, E.A.T. **Dictum of Browne-Wilkinson J. approved,** *Ahmed v. Government of the Kingdom of Saudi Arabia* [1996] I.C.R. 25
Applied, *Arab Republic of Egypt v. Gamal-Eldin* [1996] I.C.R. 13

Seymour v. British Airways Board [1983] I.C.R. 148. **Applied,** *Hobson v. G.E.C. Telecommunications Ltd.* [1985] I.C.R. 777

Sheffield v. Oxford Chemicals Co. Ltd. [1979] I.C.R. 396, E.A.T. **Followed,** *Jones v. Mid-Glamorgan County Council* [1997] I.C.R. 417

Sheffield Metropolitan District Council v. Sibery [1989] I.C.R. 208, E.A.T. **Not followed,** *Wood v. William Ball Ltd.* [2000] I.C.R. 277

Sheikh v. Chief Constable of Greater Manchester Police [1988] I.C.R. 743, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 373

Shell U.K. Ltd. v. Lostock Garage Ltd. [1976] 1 W.L.R. 1187; [1977] 1 All E.R. 481, C.A. **Distinguished,** *Passmore v. Morland Plc.* [1999] I.C.R. 913

Shelley v. Paddock [1980] Q.B. 348; [1980] 2 W.L.R. 647; [1980] 1 All E.R. 1009, C.A. **Distinguished,** *Salvesen v. Simons* [1994] I.C.R. 409

Shepherd (F. C.) & Co. Ltd. v. Jerrom [1985] I.C.R. 552, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1986] I.C.R. 802

Shevchuk v. National Coal Board, 1982 S.L.T. 557. **Applied,** *Hammond v. National Coal Board* [1984] I.C.R. 820

Shields v. E. Coomes (Holdings) Ltd. [1977] I.C.R. 795, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1978] I.C.R. 1159

Shields v. E. Coomes (Holdings) Ltd. [1978] I.C.R. 1159; [1978] 1 W.L.R. 1408; [1979] 1 All E.R. 456, C.A. **Applied,** *Clay Cross (Quarry Services) Ltd. v. Fletcher* [1979] I.C.R. 1; *Handley v. H. Mono Ltd.* [1979] I.C.R. 147; *Skyrail Oceanic Ltd. v. Coleman* [1981] I.C.R. 864
Distinguished, *Noble v. David Gold & Son (Holdings) Ltd.* [1980] I.C.R. 543

Shields Furniture Ltd. v. Goff [1973] I.C.R. 187; [1973] 2 All E.R. 653, N.I.R.C. **Followed,** *Air Canada v. Lee* [1978] I.C.R. 1202
Applied, *Sheet Metal Components Ltd. v. Plumridge* [1974] I.C.R. 373

Shirley, *In re* (1965) 49 D.L.R. (2d) 474. **Distinguished,** *Baird v. Baird* [1990] I.C.R. 525

Showboat Entertainment Centre Ltd. v. Owens [1984] I.C.R. 65; [1984] 1 W.L.R. 384; [1984] 1 All E.R. 836, E.A.T. **Followed,** *Weathersfield Ltd. v. Surgent* [1999] I.C.R. 425
Considered, *Dhatt v. McDonalds Hamburgers Ltd.* [1991] I.C.R. 238

Siebe Gorman & Co. Ltd. v. Barclays Bank Ltd. [1979] 2 Lloyd's Rep. 142. **Followed,** *Secretary of State for Employment v. Stone* [1994] I.C.R. 761

Sillars v. Charrington Fuels Ltd. [1988] I.C.R. 505, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1989] I.C.R. 475

Sillifant v. Powell Duffryn Timber Ltd. [1983] I.R.L.R. 91, 96, 97, E.A.T. **Dictum of Browne-Wilkinson J. applied,** *Polkey v. A. E. Dayton Services Ltd.* [1988] I.C.R. 142; *O'Dea v. ISC Chemicals Ltd.* [1996] I.C.R. 222
Considered, *Royal Society for the Prevention of Cruelty to Animals v. Cruden* [1986] I.C.R. 205

Simmons v. Heath Laundry Co. [1910] 1 K.B. 543, C.A. **Applied,** *O'Kelly v. Trusthouse Forte Plc.* [1983] I.C.R. 728

Simmons v. Hoover Ltd. [1977] I.C.R. 61; [1977] Q.B. 284; [1976] 3 W.L.R. 901; [1977] 1 All E.R. 775, E.A.T. **Considered,** *Haddow v. Inner London Education Authority* [1979] I.C.R. 202

Simon v. Brimham Associates [1987] I.C.R. 596, C.A. **Applied,** *Tower Hamlets London Borough Council v. Rabin* [1989] I.C.R. 693

Sindall (William) Ltd. v. North West Thames Regional Health Authority [1976] I.C.R. 243, C.A. **Decision of the Court of Appeal affirmed** [1977] I.C.R. 294

Singh v. Post Office [1973] I.C.R. 437, N.I.R.C. **Followed,** *Bodha (Vishnudut) v. Hampshire Area Health Authority* [1982] I.C.R. 200

Skyrail Oceanic Ltd. v. Coleman [1980] I.C.R. 596, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1981] I.C.R. 864

Skryail Oceanic Ltd. v. Coleman [1981] I.C.R. 864, 872, C.A. **Applied,** *Horsey v. Dyfed County Council* [1982] I.C.R. 755; *Alexander v. Home Office* [1988] I.C.R. 685; *Deane v. Ealing London Borough Council* [1993] I.C.R. 329
Dictum of Lawton L.J. applied, *Ministry of Defence v. Hunt* [1996] I.C.R. 554

Skrzypkowski v. Silvan Investments [1963] 1 W.L.R. 525; [1963] 1 All E.R. 886, C.A. **Distinguished,** *Flint v. Eastern Electricity Board* [1975] I.C.R. 395

Slater v. John Swain & Son Ltd. [1981] I.C.R. 554, E.A.T. **Distinguished,** *Staffordshire County Council v. Secretary of State for Employment* [1989] I.C.R. 664

Slaughter v. C. Brewer & Sons Ltd. [1990] I.C.R. 730, E.A.T. **Considered,** *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658

Smith v. Gardner Merchant Ltd. [1996] I.C.R. 790, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1999] I.C.R. 134

Smith v. Gardner Merchant Ltd. [1999] I.C.R. 134; [1998] 3 All E.R. 852, C.A. **Applied,** *Pearce v. Governing Body of Mayfield Secondary School* [2000] I.C.R. 920

Smith v. General Motor Cab Co. Ltd. [1911] A.C. 188, H.L.(E.). **Applied,** *B.S.M. (1257) Ltd. v. Secretary of State for Social Services* [1978] I.C.R. 894

Smith v. George Wimpey & Son Ltd. [1972] 2 Q.B. 329; [1972] 2 W.L.R. 1166; [1972] 2 All E.R. 723, C.A. **Applied,** *Clare v. L. Whittaker & Son (London) Ltd.* [1976] I.C.R. 1

Smith v. Hayle Town Council [1978] I.C.R. 996. C.A. **Applied,** *Maund v. Penwith District Council* [1984] I.C.R. 143
Considered, *Maund v. Penwith District Council* [1982] I.C.R. 732

Smith v. Manchester Corpn. (1974) 17 K.I.R. 1, 6–7, C.A. **Dictum of Edmund Davies L.J. applied,** *Nicholls v. National Coal Board* [1976] I.C.R. 266

Smith v. Pearl Assurance Co. Ltd. [1939] 1 All E.R. 95, C.A. **Applied,** *Goodman v. Winchester & Alton Railway Plc.* [1984] I.C.R. 842

Smith v. Safeway Plc. [1995] I.C.R. 472, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1996] I.C.R. 868

Smith v. Safeway Plc. [1996] I.C.R. 868, C.A. **Distinguished,** *Chief Constable of Greater Manchester Police v. Hope* [1999] I.C.R. 338

Smith v. Scott [1973] Ch. 314; [1972] 3 W.L.R. 783; [1972] 3 All E.R. 645. **Considered,** *News Group Newspapers Ltd. v. Society of Graphical and Allied Trades 1982 (No. 2)* [1987] I.C.R. 181

Smith v. Stages [1988] I.C.R. 201, C.A. **Decision of the Court of Appeal affirmed** [1989] I.C.R. 272

Smith v. W. & J. R. Watson Ltd., 1977 S.L.T. 204. **Applied,** *Johns v. Martin Simms (Cheltenham) Ltd.* [1983] I.C.R. 305

Smith (H. W.) (Cabinets) Ltd. v. Brindle [1973] I.C.R. 12; [1972] 1 W.L.R. 1653; [1973] 1 All E.R. 230, C.A. **Applied,** *Penrose v. Fairey Surveys Ltd.* [1973] I.C.R. 26; *Watts v. Rubery Owen Conveyancer Ltd.* [1977] I.C.R. 429; *Stowe-Woodward B.T.R. Ltd. v. Beynon* [1978] I.C.R. 609
Considered, *Belling & Lee Ltd. v. Burford* [1982] I.C.R. 454

Smith Coats (J.) (London) Ltd. v. Rifkin (1970) 5 I.T.R. 188, D.C. **Considered,** *Secretary of State for Employment v. Atkins Auto Laundries Ltd.* [1972] I.C.R. 76
Distinguished, *Rogers v. Bodfari (Transport) Ltd.* [1973] I.C.R. 325

Smith's Advertising Agency v. Leeds Laboratory Co. (1909) 26 T.L.R. 64; (1910) 26 T.L.R. 335, C.A. **Applied,** *Salvesen v. Simons* [1994] I.C.R. 409

Smoker v. London Fire and Civil Defence Authority [1991] 2 A.C. 502; [1991] 2 W.L.R. 422. **Decision of Auld J. affirmed** [1991] I.C.R. 449

Smoker v. London Fire and Civil Defence Authority [1991] I.R.L.R. 22, C.A. **Decision of the Court of Appeal affirmed** [1991] I.C.R. 449

Smoker v. London Fire and Civil Defence Authority [1991] I.C.R. 449; [1991] 2 A.C. 502; [1991] 2 W.L.R. 1052; [1991] 2 All E.R. 449, H.L.(E.). **Applied,** *Longden v. British Coal Corpn.* [1998] I.C.R. 26

Smyth v. Autocar & Transporters Ltd. [1975] I.C.R. 180. **Distinguished,** *Cooper v. British Steel Corpn.* [1975] I.C.R. 454

Sneddon v. Glasgow Coal Co. Ltd. (1905) 42 Sc.L.R. 365, 367. **Dictum of Lord M'Laren applied,** *Mallett v. Restormel Borough Council* [1977] I.C.R. 987

Snoxell v. Vauxhall Motors Ltd. [1977] I.C.R. 700; [1978] Q.B. 11; [1977] 3 W.L.R. 189; [1977] 3 All E.R. 700, E.A.T. **Applied,** *de Brito v. Standard Chartered Bank Ltd.* [1978] I.C.R. 650

Sogbetun v. Hackney London Borough Council [1998] I.C.R. 1264, E.A.T. **Considered,** *Post Office v. Howell* [2000] I.C.R. 913

Sood v. G.E.C. Elliott Process Automation Ltd. [1980] I.C.R. 1, E.A.T. **Followed,** *Depledge v. Pye Telecommunications Ltd.* [1981] I.C.R. 82
Approved, *Beal v. Beecham Group Ltd.* [1982] I.C.R. 460
Considered, *British Bakeries (Northern) Ltd. v. Adlington* [1989] I.C.R. 438

Sorbie v. Trust Houses Forte Hotels Ltd. [1977] I.C.R. 55; [1977] Q.B. 931; [1976] 3 W.L.R. 918; [1977] 2 All E.R. 155, E.A.T. **Distinguished,** *Redland Roof Tiles Ltd. v. Harper* [1977] I.C.R. 349

Sotgiu v. Deutsche Bundespost (Case 152/73) [1974] E.C.R. 153, E.C.J. **Applied,** *MacMahon v. Department of Education and Science* [1983] I.C.R. 67; *Lawrie-Blum v. Land Baden-Württemberg* (Case 66/85) [1987] I.C.R. 483

Sougrin v. Haringey Health Authority [1991] 791, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 650

South Glamorgan County Council v. Griffiths (1992) 24 H.L.R. 334, C.A. **Considered,** *Elvidge v. Coventry City Council* [1994] I.C.R. 68

South West Launderettes Ltd. v. Laidler [1986] I.C.R. 455, 459, C.A. **Considered,** *Russell v. Elmdon Freight Terminal Ltd.* [1989] I.C.R. 629
Dictum of Mustill L.J. not followed, *Harford v. Swiftrim Ltd.* [1987] I.C.R. 439
Distinguished, *Secretary of State for Employment v. Chapman* [1989] I.C.R. 771

Southern Electricity Board v. Collins [1970] 1 Q.B. 83; [1969] 3 W.L.R. 147; [1969] 2 All E.R. 1166, D.C. **Applied,** *Merton London Borough Council v. Gardiner* [1981] I.C.R. 186

Southwark (Diocese of) v. Coker [1996] I.C.R. 896, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1998] I.C.R. 140

Southwood Hostel Management Committee v. Taylor [1979] I.C.R. 813, E.A.T. **Applied,** *Merton London Borough Council v. Gardiner* [1981] I.C.R. 186

Spalding v. Tarmac Civil Engineering Ltd. [1967] 1 W.L.R. 1508, 1514, 1521; [1967] 3 All E.R. 586, H.L.(E.). **Dicta of Lord Morris of Borth-y-Gest and Lord Upjohn applied,** *Williams v. West Wales Plant Hire Co. Ltd.* [1985] I.C.R. 6

Spano v. Fiat Geotech S.p.A. (Case C-472/93) [1995] E.C.R. I-4321, E.C.J. **Considered,** *Jules Dethier Équipement S.A. v. Dassy* (Case C-319/94) [1998] I.C.R. 541

Specialarbejderforbundet i Danmark v. Dansk Industri, acting for Royal Copenhagen A/S (Case C-400/93) [1995] E.C.R. I-1275, E.C.J. **Applied,** *Angestelltenbetriebsrat der Wiener Gebietskrankenkasse v. Wiener Gebietskrankenkasse* (Case C-309/97) [2000] I.C.R. 1134

Spencer v. Paragon Wallpapers Ltd. [1977] I.C.R. 301, E.A.T. **Applied,** *East Lindsey District Council v. Daubney* [1977] I.C.R. 566; *Williamson v. Alcan (U.K.) Ltd.* [1978] I.C.R. 104

Spijkers v. Gebroeders Benedik Abattoir C.V. (Case 24/85) [1986] E.C.R. 1119, E.C.J. **Applied,** *Kenny v. South Manchester College* [1993] I.C.R. 934; *Dines v. Initial Healthcare Services* [1993] I.C.R. 978; *Schmidt v. Spar- und Leihkasse der Früheren Ämter Bordesholm, Kiel und Cronshagen* (Case C-392/92) [1995] I.C.R. 237; *Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhausservice* (Case C-13/95) [1997] I.C.R. 662; *ECM (Vehicle Delivery Service) Ltd. v. Cox* [1999] I.C.R. 1162; *Allen v. Amalgamated Construction Co. Ltd.* (Case C-234/98) [2000] I.C.R. 436

Spillers-French (Holdings) Ltd. v. Union of Shop, Distributive and Allied Workers [1980] I.C.R. 31, E.A.T. **Applied,** *G.K.V. Sankey Ltd. v. National Society of Metal Mechanics* [1980] I.C.R. 148

Spriggs v. Norrard Trawlers Ltd. [1969] 2 Lloyd's Rep. 627, C.A. **Applied,** *Buck v. English Electric Co. Ltd.* [1977] I.C.R. 629

Spring v. Guardian Assurance Plc. [1994] I.C.R. 596; [1995] 2 A.C. 296; [1994] 3 W.L.R. 354; [1994] 3 All E.R. 129, H.L.(E.). **Considered,** *Kapfunde v. Abbey National Plc.* [1999] I.C.R. 1

Springbank Sand & Gravel Co. Ltd. v. Craig [1974] I.C.R. 7, N.I.R.C. **Followed,** *Maris v. Rotherham Corpn.* [1974] I.C.R. 435

Spring v. Guardian Assurance Plc. [1993] I.C.R. 412, C.A. **Decision of the Court of Appeal reversed** [1994] I.C.R. 596

Spring v. Guardian Assurance Plc. [1993] I.C.R. 412; [1993] 2 All E.R. 273, C.A. **Applied,** *Petch v. Customs and Excise Comrs.* [1993] I.C.R. 789

Spring v. Guardian Assurance Plc. [1994] I.C.R. 596; [1995] 2 A.C. 296; [1994] 3 W.L.R. 354; [1994] 3 All E.R. 129, H.L.(E.). **Considered,** *Bank of Credit and Commerce International S.A. v. Ali (No. 2)* [2000] I.C.R. 1354

Square Grip Reinforcement Co. Ltd. v. Macdonald, 1968, S.L.T. 65, 73. **Dictum of Lord Milligan considered,** *Camellia Tanker Ltd. S.A. v. International Transport Workers' Federation* [1976] I.C.R. 274

Squibb United Kingdom Staff Association v. Certification Officer [1978] I.C.R. 115, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1979] I.C.R. 235

Stacey v. Babcock Power Ltd. [1986] I.C.R. 221; [1986] Q.B. 308; [1986] 2 W.L.R. 207, E.A.T. **Followed,** *White v. South London Transport Ltd.* [1998] I.C.R. 293
Considered, *Parkinson v. March Consulting Ltd.* [1998] I.C.R. 276

Stadt Lengerich v. Helmig (Case C-399/92) [1996] I.C.R. 35; [1994] E.C.R. I-5727, E.C.J. **Applied,** *Barry v. Midland Bank Plc.* [1999] I.C.R. 859

Staffordshire County Council v. Barber [1996] I.C.R. 379, C.A. **Applied,** *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991; *Kirklees Metropolitan Borough Council v. Farrell* [2000] I.C.R. 1335

Staffordshire County Council v. Secretary of State for Employment [1987] I.C.R. 956; [1988] I.C.R. 297, E.A.T. **Decisions of the Employment Appeal Tribunal reversed** [1989] I.C.R. 664

Stancomb v. Trowbridge Urban District Council [1910] 2 Ch. 190, 194. **Applied,** *In re Supply of Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25
Dicta of Warrington J. applied, *Heatons Transport (St. Helens) Ltd. v. TGWU* [1972] I.C.R. 308

Stapley v. Gypsum Mines Ltd. [1953] A.C. 663; [1953] 3 W.L.R. 279; [1953] 2 All E.R. 478, H.L.(E.). **Considered,** *McGovern v. British Steel Corpn.* [1986] I.C.R. 608

Star Sea Transport Corpn. v. Slater (The Camilla M) [1979] 1 Lloyd's Rep. 26, C.A. **Distinguished,** *N.W.L. Ltd. v. Woods* [1979] I.C.R. 744: *N.W.L. v. Nelson* [1979] I.C.R. 755

Staton v. National Coal Board [1957] 1 W.L.R. 893; [1957] 2 All E.R. 667. **Considered,** *Compton v. McClure* [1975] I.C.R. 378

Steel v. Union of Post Office Workers [1978] I.C.R. 181; [1978] 1 W.L.R. 64; [1978] 2 All E.R. 504, E.A.T. **Considered,** *Singh v. Rowntree MacKintosh Ltd.* [1979] I.C.R. 554

Steel Stockholders (Birmingham) Ltd. v. Kirkwood [1993] I.R.L.R. 515, 517, E.A.T. **Dictum of Lord Coulsfield disapproved,** *O'Dea v. ISC Chemicals Ltd.* [1996] I.C.R. 222

Steenhorst-Neerings v. Bestuur van de Bedrijfsvereniging voor Detailhandel, Ambachten en Huisvrouwen (Case C-338/91) [1993] E.C.R. I-5475, E.C.J. **Applied,** *Johnson v. Chief Adjudication Officer* (Case C-410/92) [1995] I.C.R. 375
Considered, *Rastall v. Midlands Electricity Plc* [1996] I.C.R. 644; *Magorrian v. Eastern Health and Social Services Board* (Case C-246/96) [1998] I.C.R. 979

Stenhouse Australia Ltd. v. Phillips [1974] A.C. 391; [1974] 2 W.L.R. 134; [1974] 1 All E.R. 117, P.C. **Applied,** *Dairy Crest Ltd. v. Pigott* [1989] I.C.R. 92

Stepek (J.) Ltd. v. Hough (1973) 8 I.T.R. 516, N.I.R.C. **Followed,** *Everwear Candlewick Ltd. v. Isaac* [1974] I.C.R. 525

Stevens v. Bexley Health Authority [1989] I.C.R. 224, E.A.T. **Considered,** *Rankin v. British Coal Corpn.* [1995] I.C.R. 774

Stevenson v. Teesside Bridge and Engineering Ltd. [1971] 1 All E.R. 296, D.C. **Considered,** *Sutcliffe v. Hawker Siddeley Aviation Ltd.* [1973] I.C.R. 560

Stevenson v. United Road Transport Union [1976] 3 All E.R. 29. **Decision of G.B.H. Dillon Q.C. sitting as a deputy judge of the Chancery Division affirmed** [1977] I.C.R. 893

Stevenson (Dyers) Ltd. v. Brennan [1974] I.C.R. 194, N.I.R.C. **Considered,** *British Midland Airways Ltd. v. Lewis* [1978] I.C.R. 782
Doubted but followed, *Flint v. Eastern Electricity Board* [1975] I.C.R. 395

Stevenson Jordan & Harrison Ltd. v. MacDonald & Evans [1952] 1 T.L.R. 101; [1952] W.N. 7, C.A. **Distinguished,** *Lee Ting Sang v. Chung Chi-Keung* [1990] I.C.R. 409

Stewart v. Glentaggart Ltd., 1963 S.C. 300. **Applied,** *Shove v. Downs Surgical Plc.* [1984] I.C.R. 532

Stock v. Frank Jones (Tipton) Ltd. [1976] I.C.R. 237; [1976] 1 W.L.R. 694; [1976] 3 All E.R. 218. **Decision of Phillips J. affirmed** [1977] I.C.R. 976

Stock v. Frank Jones (Tipton) Ltd. [1977] I.C.R. 976; [1977] 1 W.L.R. 1288; [1978] 1 All E.R. 58, C.A. **Decision of the Court of Appeal affirmed** [1978] I.C.R. 347

Stock v. Frank Jones (Tipton) Ltd. [1976] I.C.R. 237; [1976] 1 W.L.R. 694; [1976] 3 All E.R. 218. **Applied,** *Gallagher v. Wragg* [1977] I.C.R. 174

Stock v. Frank Jones (Tipton) Ltd. [1978] I.C.R. 347; [1978] 1 W.L.R. 231; [1978] 1 All E.R. 948, H.L.(E.). **Applied,** *McCormick v. Horsepower Ltd.* [1981] I.C.R. 535
Considered, *Lakhani v. Hoover Ltd.* [1978] I.C.R. 1063; *Williams v. Western Mail & Echo Ltd.* [1980] I.C.R. 366; *Duport Furniture Products Ltd. v. Moore* [1980] I.C.R. 581

Stocks v. Magna Merchants Ltd. [1973] I.C.R. 530; [1973] 1 W.L.R. 1505; [1973] 2 All E.R. 329. **Not followed,** *Yorkshire Engineering and Welding Co. Ltd. v. Burnham* [1974] I.C.R. 77: *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63

Stockton-on-Tees Borough Council v. Brown [1986] I.C.R. 842, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1987] I.C.R. 897

Stockton-on-Tees Borough Council v. Brown [1987] I.C.R. 897, C.A. **Decision of the Court of Appeal reversed** [1988] I.C.R. 410

Stockton-on-Tees Borough Council v. Brown [1988] I.C.R. 410; [1989] A.C. 20; [1988] 2 W.L.R. 935; [1988] 2 All E.R. 129, H.L.(E.). **Applied,** *Clayton v. Vigers* [1989] I.C.R. 713

Stoke-on-Trent City Council v. B. & Q. (Retail) Ltd. [1984] A.C. 754; [1984] 2 W.L.R. 929; [1984] 2 All E.R. 332, H.L.(E.). **Applied,** *Chisholm v. Kirklees Metropolitan Borough Council* [1993] I.C.R. 826

Stokes v. Guest, Keen and Nettlefold (Bolts and Nuts) Ltd. [1968] 1 W.L.R. 1776, 1783. **Dictum of Swanwick J. applied,** *Thompson v. Smiths Shiprepairers (North Shields) Ltd.* [1984] I.C.R. 236

Stone v. Charrington & Co. Ltd. [1977] I.C.R. 248, E.A.T. **Applied,** *Sulemany v. Habib Bank Ltd.* [1983] I.C.R. 60

Stratford (J.T.) & Son Ltd. v. Lindley [1965] A.C. 269, 339; [1964] 3 W.L.R. 541; [1964] 3 All E.R. 102, H.L.(E.). **Dictum of Lord Upjohn applied,** *Union Traffic Ltd. v. Transport and General Workers' Union* [1989] I.C.R. 98
Considered, *Camellia Tanker Ltd. S.A. v. International Transport Workers' Federation* [1976] I.C.R. 274

Strathclyde Regional Council v. Wallace [1998] I.C.R. 205; [1998] 1 W.L.R. 259; [1998] 1 All E.R. 394, H.L.(Sc.). **Applied,** *Glasgow City Council v. Marshall* [2000] I.C.R. 196

Street v. British Electricity Authority [1952] 2 Q.B. 399, 411; [1952] 1 All E.R. 679, C.A. **Dictum of Singleton L.J. considered,** *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695

Street v. Mountford [1985] A.C. 809; [1985] 2 W.L.R. 877; [1985] 2 All E.R. 289, H.L.(E.). **Distinguished,** *Norris v. Checksfield* [1991] I.C.R. 632

Street v. Wrights Insulations Ltd. (1972) 8 I.T.R. 5, N.I.R.C. **Followed,** *Maris v. Rotherham Corpn.* [1974] I.C.R. 435

Summerfield v. London Co-operative Society Ltd. [1973] I.C.R. 568. **Overruled,** *Co-operative Employers Association v. Pay Board* [1974] I.C.R. 159

Summers (John) & Sons Ltd. v. Frost [1955] A.C. 740, 751, 766; [1955] 2 W.L.R. 825; [1955] 1 All E.R. 870, H.L.(E.). **Dicta of Viscount Simonds applied,** *Larner v. British Steel Plc.* [1993] I.C.R. 551
Dictum of Lord Reid applied, *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695
Dicta of Lord Reid not followed, *Larner v. British Steel Plc.* [1993] I.C.R. 551

Sun and Sand Ltd. v. Fitzjohn [1979] I.C.R. 268, E.A.T. **Followed,** *Puglia v. C. James & Sons* [1996] I.C.R. 301
Distinguished, *Mears v. Safecar Security Ltd.* [1981] I.C.R. 409

Supply of Ready Mixed Concrete, *In re* [1991] I.C.R. 52, R.P.Ct. (E. & W.). **Decision of the Restrictive Practices Court reversed** [1992] I.C.R. 229

Supply of Ready Mixed Concrete, *In re* [1992] I.C.R. 229; [1992] Q.B. 213; [1991] 3 W.L.R. 707; [1991] 4 All E.R. 150, C.A. **Applied,** *In re Supply of Ready Mixed Concrete (No. 2)* [1994] I.C.R. 57. **Overruled,** *In re Supply of Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25

Supply of Ready Mixed Concrete, *In re (No. 2)* [1991] I.C.R. 52 (E. & W.). **Decision of the Restrictive Practices Court reversed** [1994] I.C.R. 57

Supply of Ready Mixed Concrete (No. 2), *In re* [1994] I.C.R. 57, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 25

Surrey County Council v. Bredero Homes Ltd. [1993] 1 W.L.R. 1361; [1992] 3 All E.R. 705, C.A. **Applied,** *University of Nottingham v. Fishel* [2000] I.C.R. 1462

Surrey County Council v. Lewis [1986] I.C.R. 404, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1987] I.C.R. 232

Surrey County Council v. Lewis [1987] I.C.R. 232, C.A. **Decision of the Court of Appeal reversed** [1987] I.C.R. 982

Surrey County Council v. Lewis [1987] I.C.R. 982; [1988] A.C. 323; [1987] 3 W.L.R. 927; [1987] 3 All E.R. 641, H.L.(E.). **Distinguished,** *Bradford Metropolitan District Council v. Dawson* [1999] I.C.R. 312

Sutcliffe v. Hawker Siddeley Aviation Ltd. [1973] I.C.R. 560, N.I.R.C. **Followed,** *United Kingdom Atomic Energy Authority v. Claydon* [1974] I.C.R. 128

Sutton v. Revlon Overseas Corpn. Ltd. [1973] I.R.L.R. 173, N.I.R.C. **Considered,** *Lamont v. Fry's Metals Ltd.* [1985] I.C.R. 566

Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankehausservice (Case C-13/95) [1997] I.C.R. 662; [1997] E.C.R. I-1259, E.C.J. **Explained,** *ECM (Vehicle Delivery Service) Ltd. v. Cox* [1998] I.C.R. 631
Applied, *Betts v. Brintel Helicopters Ltd.* [1997] I.C.R. 792; *Allen v. Amalgamated Construction Co. Ltd.* (Case C-234/98) [2000] I.C.R. 436
Considered, *ECM (Vehicle Delivery Service) Ltd. v. Cox* [1999] I.C.R. 1162

Swain v. West (Butchers) Ltd. [1936] 3 All E.R. 261, C.A. **Applied,** *Sybron Corpn. v. Rochem Ltd.* [1983] I.C.R. 801

Swinney v. Chief Constable of Northumbria Police Force [1997] Q.B. 464; [1996] 3 W.L.R. 968; [1996] 3 All E.R. 449, C.A. **Considered,** *Costello v. Chief Constable of Northumbria* [1999] I.C.R. 752

Swithland Motors Plc. v. Clarke [1994] I.C.R. 231, E.A.T. **Distinguished,** *Cast v. Croydon College* [1998] I.C.R. 77

System Floors (U.K.) Ltd. v. Mercer [1982] I.C.R. 54, E.A.T. **Approved,** *Robertson v. British Gas Corpn.* [1983] I.C.R. 351

T.B.A. Industrial Products Ltd. v. Locke [1984] I.C.R. 228, E.A.T. **Considered,** *Addison v. Babcock E.A.T.A. Ltd.* [1987] I.C.R. 48, 805

TNT Express (UK) Ltd. v. Downes [1994] I.C.R. 1, E.A.T. **Overruled in part,** *Tracey v. Crosville Wales Ltd.* [1996] I.C.R. 237; [1997] I.C.R. 862

TSA v. Post Office [1973] I.C.R. 173, N.I.R.C. **Decision of the National Industrial Relations Court reversed** [1974] I.C.R. 97

TSA v. Post Office [1974] I.C.R. 97, C.A. **Decision of the Court of Appeal affirmed** [1974] I.C.R. 658

Tabb & Burletson v. Briton Perry Works Ltd. (1921) 6Ll.L.Rep. 181. **Applied,** *Tramp Shipping Corpn. v. Greenwich Marine Inc.* [1975] I.C.R. 261

Tai Hing Cotton Mill Ltd. v Liu Chong Hing Bank Ltd. [1986] A.C. 80, 107; [1985] 3 W.L.R. 317; [1985] 2 All E.R. 947, P.C. **Applied,** *Reid v. Rush & Tompkins Group Plc.* [1990] I.C.R. 61; *Scally v. Southern Health and Social Services Board* [1991] I.C.R. 771

Talbot v. Berkshire County Council [1994] Q.B. 290; [1993] 3 W.L.R. 708; [1993] 4 All E.R. 9, C.A. **Applied,** *Sheriff v. Klyne Tugs (Lowestoft) Ltd.* [1999] I.C.R. 1170

Tamlin v. Hannaford [1950] 1 K.B. 18; [1949] 2 All E.R. 327, C.A. **Applied,** *Foster v. British Gas Plc.* [1988] I.C.R. 584

Tanna v. Post Office [1981] I.C.R. 374, E.A.T. **Considered,** *Sheehan v. Post Office Counters Ltd.* [1999] I.C.R. 734

Tarmac Roadstone Holdings Ltd. v. Peacock [1973] I.C.R. 273; [1973] 1 W.L.R. 594; [1973] 2 All E.R. 485, C.A. **Applied,** *Gascol Conversions Ltd. v. Mercer* [1974] I.C.R. 420; *Fox v. C. Wright (Farmers) Ltd.* [1978] I.C.R. 98

Tarnesby v. Kensington and Chelsea Westminster Area Health Authority (Teaching) [1980] I.C.R. 475, C.A. **Decision of the Court of Appeal affirmed** [1981] I.C.R. 615

Taylor v. Coalite Oils & Chemicals Ltd. (1967) 3 K.I.R. 315, 319, C.A. **Dicta of Diplock L.J. not followed,** *Larner v. British Steel Plc.* [1993] I.C.R. 551

Taylor v. Co-operative Retail Services Ltd. [1981] I.C.R. 172, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 600

Taylor v. Kent County Council [1969] 2 Q.B. 560; [1969] 3 W.L.R. 156; [1969] 2 All E.R. 1080, D.C. **Applied,** *Hindes v. Supersine Ltd.* [1979] I.C.R. 517

Taylor v. National Union of Seamen [1967] 1 W.L.R. 532; [1967] 1 All E.R. 767. **Applied,** *Roebuck v. National Union of Mineworkers* [1977] I.C.R. 573

Taylor v. O'Connor [1971] A.C. 115, 129; [1970] 2 W.L.R. 472; [1970] 1 All E.R. 365; H.L.(E.). **Dictum of Lord Reid applied,** *Shove v. Downs Surgical Plc.* [1984] I.C.R. 532

Taylor v. Secretary of State for Scotland [1999] I.R.L.R. 362, Ct. of Sess. **Decision of the Second Division of the Court of Session affirmed** [2000] I.C.R. 595

Teesside Times Ltd. v. Drury [1978] I.C.R. 822, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1980] I.C.R. 338

Teesside Times Ltd. v. Drury [1980] I.C.R. 338, 351, 352, 353F-H. C.A. **Dicta of Stephenson L.J. applied,** *Clark and Tokeley Ltd. v. Oakes* [1999] I.C.R. 276
Considered, *Macer v. Abafast Ltd.* [1990] I.C.R. 234
Dicta of Stephenson L.J. considered, *Justfern Ltd. v. Skaife D'Ingerthorpe* [1994] I.C.R. 286
Dicta not followed, *Brook Lane Finance Co. Ltd. v. Bradley* [1988] I.C.R. 423

Telephone Apparatus and Manufacturers' Application. *In re* (1963) L.R. 3 R.P. 462; [1963] 1 W.L.R. 463; [1963] 2 All E.R. 302, C.A. **Applied,** *In re Ravenseft Properties Ltd's Application* [1977] I.C.R. 136

Temperton v. Russell [1893] 1 Q.B. 715, C.A. **Distinguished,** *Midland Cold Storage Ltd. v. Steer* [1972] I.C.R. 435

Ten Oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers -en Schoonmaakbedrijf (Case C-109/91) [1995] I.C.R. 74, E.C.J. **Considered,** *Vroege v. NCIV Instituut voor Volkshuisvesting B.V.* (Case C-57/93) [1995] I.C.R. 635

Terry v. East Sussex County Council [1976] I.C.R. 536; [1977] 1 All E.R. 567, E.A.T. **Approved,** *Fay v. North Yorkshire County Council* [1986] I.C.R. 133
Considered, *National Association of Teachers in Further and Higher Education v. Manchester City Council* [1978] I.C.R. 1190

Tesco Supermarkets Ltd. v. Nattrass [1972] A.C. 153; [1971] 2 W.L.R. 1166; [1971] 2 All E.R. 127, H.L.(E.) **Distinguished,** *In re Supply of Ready Mixed Concrete (No. 2)* [1995] I.C.R. 25

Thomas v. Bristol Aeroplane Co. Ltd. [1954] 1 W.L.R. 694; [1954] 2 All E.R. 1, C.A. **Distinguished,** *Woodward v. Renold Ltd.* [1980] I.C.R. 387

Thomas v. Chief Adjudication Officer (Case C-328/91) [1993] I.C.R. 673; [1993] Q.B. 747; [1993] 3 W.L.R. 581; [1993] 4 All E.R. 556; [1993] E.C.R. I-1247, E.C.J. **Applied,** *Graham v. Secretary of State for Social Security* (Case C-92/94) [1996] I.C.R. 258; *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471; *R. v. Secretary of State for Social Security, Ex parte Taylor* (Case C-382/98) [2000] I.C.R. 843

Thomas v. Marconi's Wireless Telegraph Co. Ltd. [1965] 1 W.L.R. 850; [1965] 2 All E.R. 598, C.A. **Applied,** *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526
Considered, *Secretary of State for Employment v. Newcastle upon Tyne City Council* [1980] I.C.R. 407

Thomas v. National Coal Board [1987] I.C.R. 757, E.A.T. **Considered,** *Ashmore v. British Coal Corpn.* [1990] I.C.R. 485

Thomas v. National Training Partnership Ltd. [1998] I.C.R. 436, E.A.T. **Not followed,** *Davidson v. City Electrical Factors Ltd.* [1998] I.C.R. 443

Thomas v. National Union of Mineworkers (South Wales Area) [1985] I.C.R. 886; [1986] Ch. 20; [1985] 2 W.L.R. 1081; [1985] 2 All E.R. 1. **Applied,** *News Group Newspapers Ltd. v. Society of Graphical and Allied Trades 1982 (No. 2)* [1987] I.C.R. 181

Thomas v. University of Bradford [1986] Ch. 381; [1985] 3 W.L.R. 248; [1985] 2 All E.R. 786. **Decision of Whitford J. affirmed** [1986] I.C.R. 87

Thomas v. University of Bradford [1986] I.C.R. 87; [1986] Ch. 381; [1986] 2 W.L.R. 111; [1986] 1 All E.R. 217, C.A. **Decision of the Court of Appeal reversed** [1987] I.C.R. 245

Thomas v. University of Bradford [1987] I.C.R. 245; [1987] A.C. 795; [1987] 2 W.L.R. 677; [1987] 1 All E.R. 834, H.L.(E.). **Applied,** *R. v. Hull University Visitor, Ex parte Page* [1992] I.C.R. 67; [1993] I.C.R. 114

Thompson v. Smiths Shiprepairers (North Shields) Ltd. [1984] I.C.R. 236; [1984] Q.B. 405; [1984] 2 W.L.R. 522; [1984] 1 All E.R. 881. **Approved,** *Holtby v. Brigham & Cowan (Hull) Ltd.* [2000] I.C.R. 1086

Thomson v. University of London (1864) 33 L.J.Ch. 625. **Considered,** *Thomas v. University of Bradford* [1986] I.C.R. 87

Thomson (D. C.) & Co. Ltd. v. Deakin [1952] Ch. 646, 686, 696–697; [1952] 2 All E.R. 361, C.A. **Applied,** *Middlebrook Mushrooms Ltd. v. Transport and General Workers' Union* [1993] I.C.R. 612
Dictum of Evershed M.R. applied, *Camellia Tanker Ltd. S.A. v. International Transport Workers' Federation* [1976] I.C.R. 274
Dictum of Jenkins L.J. applied, *Merkur Island Shipping Corpn. v. Laughton* [1983] I.C.R. 178, 490

Thorne v. University of London [1966] 2 Q.B. 237; [1966] 2 W.L.R. 1080; [1966] 2 All E.R. 338, C.A. **Distinguished,** *Thomas v. University of Bradford* [1986] I.C.R. 87

Thornton v. Fisher & Ludlow Ltd. [1968] 1 W.L.R. 655; [1968] 2 All E.R. 241, C.A. **Applied,** *Davies v. Massey Ferguson Perkins Ltd.* [1986] I.C.R. 580

Thrells v. Lomas [1993] 1 W.L.R. 456; [1993] 2 All E.R. 546. **Considered,** *National Grid Co. Plc. v. Mayes* [2000] I.C.R. 174

Tidman v. Aveling Marshall Ltd. [1977] I.C.R. 506, E.A.T. **Applied,** *Green v. J. Waterhouse & Sons Ltd.* [1977] I.C.R. 759; *Lucas v. Lawrence Scott & Electromotors Ltd.* [1983] I.C.R. 309

Tinsley v. Milligan [1994] 1 A.C. 340; [1993] 3 W.L.R. 126; [1993] 3 All E.R. 65, H.L.(E.). **Applied,** *Plummer v. Tibsco Ltd.* [2000] I.C.R. 509

Todd v. British Midland Airways Ltd. [1978] I.C.R. 959, C.A. **Applied,** *Sonali Bank v. Rahman* [1989] I.C.R. 314
Distinguished, *Carver v. Saudi Arabian Airlines* [1999] I.C.R. 991

Tomlinson v. Dick Evans "U" Drive Ltd. [1978] I.C.R. 639, E.A.T. **Considered,** *Newland v. Simons & Miller (Hairdressers) Ltd.* [1981] I.C.R. 521

Torquay Hotel Co. Ltd. v. Cousins [1969] 2 Ch. 106, 138; [1969] 2 W.L.R. 289; [1969] 1 All E.R. 522, C.A. **Dictum of Lord Denning M.R. applied,** *Merkur Island Shipping Corpn. v. Laughton* [1983] I.C.R. 178, 490

Tottenham Green Under Five's Centre v. Marshall [1989] I.C.R. 214, E.A.T. **Approved,** *Lambeth London Borough Council v. Commission for Racial Equality* [1990] I.C.R. 768
Applied, *Lambeth London Borough Council v. Commission for Racial Equality* [1989] I.C.R. 641

Tower Boot Co. Ltd. v. Jones [1995] I.R.L.R. 529, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 254

Tower Hamlets Health Authority v. Anthony [1988] I.C.R. 499, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1989] I.C.R. 656

Tracey v. Crosville Wales Ltd. [1996] I.C.R. 237, C.A. **Decision of the Court of Appeal affirmed** [1997] I.C.R. 862

Tracey v. Zest Equipment Co. Ltd. [1982] I.C.R. 491, E.A.T. **Considered,** *Igbo v. Johnson, Matthey Chemicals Ltd* [1986] I.C.R. 82, 505

Tradewinds Airways Ltd. v. Fletcher [1981] I.R.L.R. 272, E.A.T. **Not followed,** *T.B.A. Industrial Products Ltd. v. Locke* [1984] I.C.R. 228

Tramp Shipping Corpn. v. Greenwich Marine Inc. [1974] 2 Lloyd's Rep. 210. **Decision of Ackner J. affirmed** [1975] I.C.R. 261

Trend v. Chiltern Hunt Ltd. [1977] I.C.R. 612, E.A.T. **Considered,** *W. Devis & Sons Ltd. v. Atkins* [1977] I.C.R. 662; *Nudds v. W. & J. B. Eastwood Ltd.* [1978] I.C.R. 171; *Sulemanji v. Toughened Glass Ltd.* [1979] I.C.R. 799

Trendtex Trading Corpn. v. Credit Suisse [1982] A.C. 679; [1981] 3 W.L.R. 766; [1981] 3 All E.R. 520, H.L.(E.). **Applied,** *Bourne v. Colodense Ltd.* [1985] I.C.R. 291

Trimble v. Supertravel Ltd. [1982] I.C.R. 440, E.A.T. **Applied,** *Spring Grove Services Group Plc. v. Hickinbottom* [1990] I.C.R. 111
Considered, *Lindsay v. Ironsides Ray & Vials* [1994] I.C.R. 384

Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154, E.A.T. **Followed,** *Sutcliffe v. Big C's Marine Ltd.* [1998] I.C.R. 913

Tuck v. National Freight Corpn. [1978] I.C.R. 323, C.A. **Decision of the Court of Appeal reversed** [1979] I.C.R. 123

Turiddu, The [1998] 2 Lloyd's Rep. 278. **Decision of Rix J. affirmed** [2000] I.C.R. 354

Turley v. Allders Department Stores Ltd. [1980] I.C.R. 66, E.A.T. **Not followed,** *Hayes v. Malleable Working Men's Club and Institute* [1985] I.C.R. 703; *Webb v. Emo Air Cargo (U.K.) Ltd.* [1990] I.C.R. 442

Turner v. Grovit [1999] 1 All E.R. (Comm.) 445. **Decision of David Donaldson Q.C. sitting as a deputy judge of the Chancery Division reversed** [1999] I.C.R. 1114

Turner v. London Transport Executive [1977] I.C.R. 952, 964, C.A. **Dictum of Megaw L.J. followed,** *Scott v. Aveling Barford Ltd.* [1978] I.C.R. 214
Dictum of Megaw L.J. not followed, *Western Excavating (E.C.C.) Ltd. v. Sharp* [1978] I.C.R. 221

Turner v. Sawdon & Co. [1901] 2 K.B. 653, C.A. **Considered,** *Breach v. Epsylon Industries Ltd.* [1976] I.C.R. 316

Turriff Construction Ltd. v. Bryant (1967) 2 K.I.R. 659; 2 I.T.R. 292, D.C. **Applied,** *Redpath Dorman Long (Constructing) Ltd. v. Sutton* [1972] I.C.R. 477

Turvey v. C. W. Cheney & Son Ltd. [1979] I.C.R. 341, E.A.T. **Followed,** *East Suffolk Local Health Services N.H.S. Trust v. Palmer* [1997] I.C.R. 425

Twine v. Bean's Express Ltd. (1946) 62 T.L.R. 458, C.A. **Distinguished,** *Rose v. Plenty* [1975] I.C.R. 430

Tyldesley v. T.M.L. Plastics Ltd. [1996] I.C.R. 356, E.A.T. **Approved,** *Strathclyde Regional Council v. Wallace* [1998] I.C.R. 205

Tynan v. Balmer [1967] 1 Q.B. 91; [1966] 2 W.L.R. 1181; [1966] 2 All E.R. 133, D.C. **Applied,** *Hunt v. Broome* [1973] I.C.R. 281; [1974] I.C.R. 84

U.B.A.F. Bank Ltd. v. Davis [1978] I.R.L.R. 442, E.A.T. **Followed,** *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237
Not followed, *Derwent Coachworks v. Kirby* [1995] I.C.R. 48

UKAPE v. Rolls Royce & Associates Ltd. [1972] I.C.R. 162, N.I.R.C. **Applied,** *TSA v. Post Office* [1973] I.C.R. 173. **Considered,** *TSA v. Post Office* [1974] I.C.R. 97, 658

Ubsdell v. Paterson [1973] I.C.R. 86, N.I.R.C. **Applied,** *Cartin v. Botley Garages Ltd.* [1973] I.C.R. 144

Union Cartage Co. Ltd. v. Blunden [1977] I.C.R. 420, E.A.T. **Considered,** *Porter v. Bandridge Ltd.* [1978] I.C.R. 943; *Wall's Meat Co. Ltd. v. Khan* [1979] I.C.R. 52
Disapproved, *Riley v. Tesco Stores Ltd.* [1980] I.C.R. 323

Union of Construction, Allied Trades and Technicians v. Brain [1980] I.C.R. 779, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1981] I.C.R. 542

Union of Construction, Allied Trades and Technicians v. Brain [1981] I.C.R. 542, C.A. **Applied,** *Dillett v. National Coal Board* [1988] I.C.R. 218
Considered, *Varndell v. Kearney & Trecker Marwin Ltd.* [1983] I.C.R. 683

Union of Construction, Allied Trades and Technicians v. H. Rooke & Son (Cambridge) Ltd. [1978] I.C.R. 818, E.A.T. **Applied,** *Secretary of State for Employment v. Helitron Ltd.* [1980] I.C.R. 523

United Indigo Chemical Co. Ltd. v. Robinson (1931) 49 R.P.C. 178. **Applied,** *Faccenda Chicken Ltd. v. Fowler* [1984] I.C.R. 589

United Kingdom Association of Professional Engineers v. Advisory, Conciliation and Arbitration Service [1979] I.C.R. 303; [1979] 1 W.L.R. 570; [1979] 2 All E.R. 478, C.A. **Decision of the Court of Appeal reversed** [1980] I.C.R. 201

United Kingdom Atomic Energy Authority v. Claydon [1974] I.C.R. 128, N.I.R.C. **Applied,** *Rowbotham v. Arthur Lee & Sons Ltd.* [1975] I.C.R. 109

Universal Cargo Carriers Corpn. v. Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713; [1957] 2 All E.R. 70. **Considered,** *F.C. Shepherd & Co. Ltd. v. Jerrom* [1986] I.C.R. 802

Universe Tankships Inc. of Monrovia v. International Transport Workers Federation [1981] I.C.R. 129, C.A. **Decision of the Court of Appeal reversed** [1982] I.C.R. 262

Universe Tankships Inc. of Monrovia v. International Transport Workers Federation [1982] I.C.R. 262, 274; [1983] 1 A.C. 366; [1982] 2 W.L.R. 803; [1982] 2 All E.R 67, H.L.(E.). **Applied,** *B. & S. Contracts and Design Ltd. v. Victor Green Publications Ltd.* [1984] I.C.R. 419
Dictum of Lord Diplock applied, *Dimskal Shipping Co. S.A. v. International Transport Workers Federation* [1990] I.C.R. 694
Considered, *Dimskal Shipping Co. Ltd. S.A. v. International Transport Workers Federation* [1992] I.C.R. 37

University of Manchester v. Jones [1992] I.C.R. 52, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1993] I.C.R. 474

University of Manchester v. Jones [1993] I.C.R. 474, C.A. **Applied,** *London Underground Ltd. v. Edwards* [1995] I.C.R. 574

V.B.V.B. and V.B.B.B. v. Commission of the European Communities (Cases 43 and 63/82) [1984] E.C.R. 19, E.C.J. **Considered,** *Publishers Association v. Commission of the European Communities (No. 3)* (Case C-360/92P) [1996] I.C.R. 121

Van Duyn v. Home Office (Case 41/74) [1975] Ch. 358; [1975] 2 W.L.R. 760; [1975] 3 All E.R. 190; [1974] E.C.R. 1337. **Applied,** *Bossa v. Nordstress Ltd.* [1998] I.C.R. 694

Vandyke v. Fender [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929; [1970] 2 All E.R. 355, C.A. **Approved,** *Smith v. Stages* [1989] I.C.R. 272
Applied, *Smith v. Stages* [1988] I.C.R. 201
Considered, *R. v. National Insurance Comr., Ex parte Michael* [1977] I.C.R. 121

Varndell v. Kearney & Trecker Marwin Ltd. [1983] I.C.R. 683, C.A. **Applied,** *Morris v. London Iron and Steel Co. Ltd.* [1987] I.C.R. 855
Considered, *Levy v. Marrable & Co. Ltd.* [1984] I.C.R. 583

Vaughan v. Weighpack Ltd. [1974] I.C.R. 261, N.I.R.C. **Applied,** *Brittains Arborfield Ltd. v. Van Uden* [1977] I.C.R. 211

Venn v. National Coal Board [1967] 2 Q.B. 557; [1967] 2 W.L.R. 465; [1967] 1 All E.R. 149. **Applied,** *Hammond v. National Coal Board* [1984] I.C.R. 820

Vickers Ltd. v. Smith [1977] I.R.L.R. 11, E.A.T. **Considered,** *Jowett v. Earl of Bradford (No. 2)* [1978] I.C.R. 431

Viho Europe B.V. v. Commission of the European Communities (Case T-102/92) [1995] I.C.R. 1050; [1995] All E.R. (E.C.) 371; [1995] E.C.R. II-17, E.C.J. (C.F.I.). **Decision of the Court of First Instance affirmed** [1997] I.C.R. 130

Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P) [1997] I.C.R. 130; [1996] E.C.R. I-5457, E.C.J. **Distinguished,** *Allen v. Amalgamated Construction Co. Ltd.* (Case c-234/98) [2000] I.C.R. 436

Vine v. National Dock Labour Board [1956] 1 Q.B. 658, 674; [1956] 2 W.L.R. 311; [1956] 1 All E.R. 1, C.A. **Dictum of Jenkins L.J. applied,** *Hare v. Murphy Brothers Ltd.* [1973] I.C.R. 331
Considered, *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905
Dictum of Jenkins L.J. not followed, *Gunton v. Richmond-upon-Thames London Borough Council* [1980] I.C.R. 755

Vine v. National Dock Labour Board [1957] A.C. 488; [1957] 2 W.L.R. 106; [1956] 3 All E.R. 939, H.L.(E.). **Applied,** *Sanders v. Ernest A. Neale Ltd.* [1974] I.C.R. 565; *R. v. East Berkshire Health Authority, Ex parte Walsh* [1984] I.C.R. 743

Vokes v. Bear [1974] I.C.R. 1, N.I.R.C. **Considered,** *Modern Injection Moulds Ltd. v. Price* [1976] I.C.R. 370

von Colson v. Land Nordrhein-Westfalen (Case 14/83) [1984] E.C.R. 1891, E.C.J. **Applied,** *Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2)* (Case C-271/91) [1993] I.C.R. 893; *Draehmpaehl v. Urania Immobilienservice o.h.G.* (Case C-180/95) [1998] I.C.R. 164
Considered, *Duke v. Reliance Systems Ltd.* [1988] I.C.R. 339; *Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2)* [1990] I.C.R. 6; [1991] I.C.R. 136
Distinguished, *Johnston v. Chief Constable of the Royal Ulster Constabulary* (Case 222/84) [1987] I.C.R. 83

Waddington v. Leicester Council for Voluntary Service [1977] I.C.R. 266, E.A.T. **Applied,** *Eaton Ltd. v. Nuttall* [1977] I.C.R. 272

Wadi v. Cornwall and Isles of Scilly Family Practitioner Committee [1985] I.C.R. 492, E.A.T. **Followed,** *Ealing Hammersmith and Hounslow Family Health Services Authority v. Shukla* [1993] I.C.R. 710

Waite v. Government Communications Headquarters [1983] I.C.R. 359, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1983] I.C.R. 653

Waite v. Government Communications Headquarters [1983] I.C.R. 653; [1983] 2 A.C. 714; [1983] 3 W.L.R. 389; [1983] 2 All E.R. 1013, H.L.(E.). **Applied,** *Hughes v. Department of Health and Social Security* [1984] I.C.R. 309, 557; [1985] I.C.R. 419; *Swaine v. Health and Safety Executive* [1986] I.C.R. 498; *Mauldon v. British Telecommunications Plc.* [1987] I.C.R. 450; *Brooks v. British Telecommunications Plc.* [1992] I.C.R. 414
Considered, *Barclays Bank Plc. v. O'Brien* [1994] I.C.R. 865; *Bratko v. Beloit Walmsley Ltd.* [1996] I.C.R. 76

Walgrave and Koch v. Association Union Cycliste Internationale (Case 36/74) [1974] E.C.R. 1405, E.C.J. **Applied,** *Lawrie-Blum v. Land Baden-Württemberg* (Case 66/85) [1987] I.C.R. 483

Walker v. Bletchley Flettons Ltd. [1937] 1 All E.R. 170, 175. **Dictum of du Parcq J. applied,** *Allen v. Avon Rubber Co. Ltd.* [1986] I.C.R. 695

Walker v. Josiah Wedgwood & Sons Ltd. [1978] I.C.R. 744, E.A.T. **Followed,** *Holland v. Glendale Industries Ltd.* [1998] I.C.R. 493

Wallersteiner v. Moir (No. 2) [1975] Q.B. 373; [1975] 2 W.L.R. 389; [1975] 1 All E.R. 849, C.A. **Applied,** *McDonald v. Horn* [1995] I.C.R. 685

Walls Meat Co. Ltd. v. Khan [1979] I.C.R. 52, C.A. **Followed,** *Riley v. Tesco Stores Ltd.* [1980] I.C.R. 323
Applied, *Palmer v. Southend-on-Sea Borough Council* [1984] I.C.R. 372

Wandsworth London Borough Council v. Winder [1985] A.C. 461; [1984] 3 W.L.R. 1254; [1984] 3 All E.R. 976, H.L.(E.). **Applied,** *Doyle v. Northumbria Probation Committee* [1992] I.C.R. 121

Ward v. Bradford Corpn. (1971) 70 L.G.R. 27, C.A. **Followed,** *Haddow v. Inner London Education Authority* [1979] I.C.R. 202

Ward v. Coltness Iron Co. Ltd., 1944 S.C. 318, 324. **Dictum of Lord Moncrieff not applied,** *R. v. A.I. Industrial Products Plc.* [1987] I.C.R. 418

Ward, Lock and Co. Ltd. v. Operative Printers' Assistants' Society (1906) 22 T.L.R. 327, C.A. **Considered,** *Hubbard v. Pitt* [1975] I.C.R. 77, 308; *Thomas v. National Union of Mineworkers (South Wales Area)* [1985] I.C.R. 886

Ware v. Fox [1967] 1 W.L.R. 379; [1967] 1 All E.R. 100, D.C. **Applied,** *R. v. Jones (John)* [1974] I.C.R. 310

Warner v. Adnet Ltd. [1998] I.C.R. 1056, C.A. **Considered,** *Whitehouse v. Chas A. Blatchford & Sons Ltd.* [2000] I.C.R. 542

Warner Brothers Pictures Inc. v. Nelson [1937] 1 K.B. 209; [1936] 3 All E.R. 160. **Considered,** *Thomas Marshall (Exports) Ltd. v. Guinle* [1978] I.C.R. 905

Doubted, *Warren v. Mendy* [1989] I.C.R. 525

Distinguished, *Evening Standard Co. Ltd. v. Henderson* [1987] I.C.R. 588

Warner Holidays Ltd. v. Secretary of State for Social Services [1983] I.C.R. 440. **Considered,** *Wickens v. Champion Employment* [1984] I.C.R. 365

Wass (W. & J.) Ltd. v. Binns [1982] I.C.R. 486, C.A. **Followed,** *Polkey v. A. E. Dayton Services Ltd.* [1987] I.C.R. 301

Overruled, *Polkey v. A. E. Dayton Services Ltd.* [1988] I.C.R. 142

Waters v. Comr. of Police of the Metropolis [1995] I.C.R. 510, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 1073

Waters v. Comr. of Police of the Metropolis [1997] I.C.R. 1073, C.A. **Decision of the Court of Appeal reversed** [2000] I.C.R. 1064

Watling (N.C.) & Co. Ltd. v. Richardson [1978] 1049, E.A.T. **Followed,** *Iceland Frozen Foods Ltd. v. Jones* [1983] I.C.R. 17

Watt v. Lord Advocate, 1979 S.C. 120. **Considered,** *Presho v. Department of Health and Social Security* [1984] I.C.R. 463

Watts v. Rubery Owen Conveyancer Ltd. [1977] I.C.R. 429; [1977] 2 All E.R. 1, E.A.T. **Applied,** *Stowe-Woodward B.T.R. Ltd. v. Beynon* [1978] I.C.R. 609

Watts v. Seven Kings Motor Co. Ltd. [1983] I.C.R. 135, E.A.T. **Applied,** *Linbourne v. Constable* [1993] I.C.R. 698

Considered, *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328

Weathersfield Ltd. v. Sargent [1998] I.C.R. 198, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1999] I.C.R. 425

Webb v. Emo Air Cargo (U.K.) Ltd. [1990] I.C.R. 442, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1992] I.C.R. 445

Webb v. Emo Air Cargo (U.K.) Ltd. [1993] I.C.R. 175; [1993] 1 W.L.R. 49; [1992] 4 All E.R. 929, H.L.(E.). **Applied,** *Mecca Leisure Group Plc. v. Chatprachong* [1993] I.C.R. 688; *Dixon v. Rees* [1994] I.C.R. 39

Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1992] I.C.R. 445; [1992] 2 All E.R. 43, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 1021

Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1995] I.C.R. 1021; [1995] 1 W.L.R. 1454; [1995] 4 All E.R. 577, H.L.(E.), **Applied,** *Rees v. Apollo Watch Repairs Plc.* [1996] I.C.R. 466; *O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School* [1997] I.C.R. 33

Considered, *R. v. South Bank University, Ex parte Coggeran* [2000] I.C.R. 1342

Webb v. Emo Air Cargo (U.K.) Ltd. (Case C-32/93) [1994] I.C.R. 770; [1994] Q.B. 718; [1994] 3 W.L.R. 941; [1994] 4 All E.R. 115; [1994] E.C.R. I-3567, E.C.J. **Considered,** *Brown v. Rentokil Ltd.* (Case C-394/96) [1998] I.C.R. 790

Weddel (W.) & Co. Ltd. v. Tepper [1980] I.C.R. 286, C.A. **Applied,** *Foley v. Post Office* [2000] I.C.R. 1283

Wells v. Derwent Plastics Ltd. [1978] I.C.R. 424, E.A.T. **Considered,** *Jowett v. Earl of Bradford (No. 2)* [1978] I.C.R. 431

Wendelboe v. L.J. Music ApS (Case 19/83) [1985] E.C.R. 457, E.C.J. **Applied,** *Secretary of State for Employment v. Spence* [1986] I.C.R. 651

Considered, *Ibex Trading Co. Ltd. v. Walton* [1994] I.C.R. 907

Wessex Dairies Ltd. v. Smith [1935] 2 K.B. 80, C.A. **Applied,** *Faccenda Chicken Ltd. v. Fowler* [1984] I.C.R. 589; [1986] I.C.R. 297

West Dunbartonshire Council v. Wallace, 1997 S.L.T. 315. **Decision of the Second Division of the Court of Session affirmed** [1998] I.C.R. 205

West Midlands Co-operative Society Ltd. v. Tipton [1985] I.C.R. 444, C.A. **Decision of the Court of Appeal reversed** [1986] I.C.R. 192

West Midlands Co-operative Society Ltd. v. Tipton [1985] I.C.R. 444, C.A. **Considered,** *Greenall Whitley Plc. v. Carr* [1985] I.C.R. 451

West Midlands Co-operative Society Ltd. v. Tipton [1986] I.C.R. 192; [1986] A.C. 536; [1986] 2 W.L.R. 306; [1986] 1 All E.R. 513, H.L.(E.). **Applied,** *McLaren v. National Coal Board* [1987] I.C.R. 410; *Westminster City Council v. Cubaj* [1996] I.C.R. 960

West Midlands Passenger Transport Executive v. Jaquant Singh [1987] I.C.R. 837, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1988] I.C.R. 614

West Midlands Passenger Transport Executive v. Jaquant Singh [1988] I.C.R. 614; [1988] 1 W.L.R. 730; [1988] 2 All E.R. 873, C.A. **Distinguished,** *Carrington v. Helix Lighting Ltd.* [1990] I.C.R. 125

West Midlands Residuary Body v. Deebank [1989] I.C.R. 228, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1990] I.C.R. 349

Western Excavating (E.C.C.) Ltd. v. Sharp [1977] I.R.L.R. 25, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1978] I.C.R. 221

Western Excavating (E.C.C.) Ltd. v. Sharp [1978] I.C.R. 221, 226; [1978] Q.B. 761; [1978] 2 W.L.R. 344; [1978] 1 All E.R. 713, C.A. **Applied,** *Walker v. Josiah Wedgwood & Sons Ltd.* [1978] I.C.R. 744; *Palmanor Ltd. v. Cedron* [1978] I.C.R. 1008; *Rasool v. Hepworth Pipe Co. Ltd.* [1980] I.C.R. 494; *Terinex Ltd. v. D'Angela* [1981] I.C.R. 12; *W. E. Cox Toner (International) Ltd. v. Crook* [1981] I.C.R. 823; *Courtlands Northern Spinning Ltd. v. Sibson* [1988] I.C.R. 451
Dicta of Lord Denning M.R. applied, *Cantor Fitzgerald International v. Callaghan* [1999] I.C.R. 639

Westminster City Council v. Select Management Ltd. [1984] I.C.R. 488; [1984] 1 W.L.R. 1058; [1984] 1 All E.R. 994. **Decision of Taylor J. upheld** [1985] I.C.R. 353

Westward Circuits Ltd. v. Read [1973] I.C.R. 301; [1973] 2 All E.R. 1013, N.I.R.C. **Followed,** *Dewar & Finlay v. Glazier* [1973] I.C.R. 572; *W. Press & Son Ltd. v. Hall* [1974] I.C.R. 21
Applied, *Rogers v. Bodfari (Transport) Ltd.* [1973] I.C.R. 325; *Dedman v. British Building & Engineering Appliances Ltd.* [1974] I.C.R. 53; *Ruff v. Smith* [1976] I.C.R. 118

Westwood v. Secretary of State for Employment [1982] I.C.R. 534, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1983] I.C.R. 820

Westwood v. Secretary of State for Employment [1983] I.C.R. 820, C.A. **Decision of the Court of Appeal reversed** [1985] I.C.R. 209

Wetherall (Bond St. WI) Ltd. v. Lynn [1978] I.C.R. 205; [1978] 1 W.L.R. 200, E.A.T. **Approved,** *Western Excavating (E.C.C.) Ltd. v. Sharp* [1978] I.C.R. 221
Explained, *Scott v. Aveling Barford Ltd.* [1978] I.C.R. 214

Wetherell v. Jones (1832) 3 B. & Ald. 221. **Applied,** *Coral Leisure Group Ltd. v. Barnett* [1981] I.C.R. 503

Wheeler v. Patel [1987] I.C.R. 631, E.A.T. **Considered,** *Whitehouse v. Chas A. Blatchford & Sons Ltd.* [2000] I.C.R. 542

Whetherall v. Harrison [1976] Q.B. 773; [1976] 2 W.L.R. 168; [1976] 1 All E.R. 241, D.C. **Applied,** *Hammington v. Berker Sportcraft Ltd.* [1980] I.C.R. 248

Whitbread & Co. Plc. v. Thomas [1988] I.C.R. 135, E.A.T. **Considered,** *Parr v. Whitbread & Co. Plc.* [1990] I.C.R. 427

White v. Jones [1995] 2 A.C. 207; [1995] 2 W.L.R. 187; [1995] 1 All E.R. 691, H.L.(E.). **Distinguished,** *Briscoe v. Lubrizol Ltd.* [2000] I.C.R. 694

Whitechurch (George) Ltd. v. Cavanagh [1902] A.C. 117; 145, H.L.(E.). **Dictum of Lord Brampton applied,** *Secretary of State for Employment v. Wellworthy Ltd. (No. 2)* [1976] I.C.R. 13

Whitehouse v. Chas A. Blatchford & Sons Ltd. [2000] I.C.R. 542, C.A. **Applied,** *Kerry Foods Ltd. v. Creber* [2000] I.C.R. 556

Whiteley, *In re* (1886) 33 Ch.D. 347, 355, C.A. **Dictum of Lindley L.J. considered,** *Cowan v. Scargill* [1984] I.C.R. 646

Whiteley Ltd. v. Hilt [1918] 2 K.B. 808, 819, C.A. **Dictum of Swinfen Eady M.R. applied,** *Howard F. Perry & Co. Ltd. v. British Railways Board* [1980] I.C.R. 743

Whitwood Chemical Co. v. Hardman [1891] 2 Ch. 416, C.A. **Applied,** *Warren v. Mendy* [1989] I.C.R. 525

Wickens v. Champion Employment [1984] I.C.R. 365, E.A.T. **Distinguished,** *McMeechan v. Secretary of State for Employment* [1995] I.C.R. 444

Wilcox v. H.G.S. [1975] I.C.R. 333. **Decision of Phillips J. affirmed** [1976] I.C.R. 306

William Muir (Bond 9) Ltd. v. Lamb [1985] I.R.L.R. 95, E.A.T. **Followed,** *Lock v. Connell Estate Agents* [1994] I.C.R. 983

Williams v. Compair Maxam Ltd. [1982] I.C.R. 156, E.A.T. **Applied,** *Walls Meat Co. Ltd. v. Selby* [1989] I.C.R. 601
Considered, *Grundy (Teddington) Ltd. v. Plummer* [1983] I.C.R. 367; *Rolls Royce Motors Ltd. v. Dewhurst* [1985] I.C.R. 869

Williams Brothers (Hull) Ltd. v. Naamlooze Vennootschap W.H. Berghuys Kolenhandel (1915) 21 Com.Cas. 253, 257. **Dictum of Sankey J. applied,** *Tramp Shipping Corpn. v. Greenwich Marine Inc.* [1975] I.C.R. 261

Williams v. National Theatre Board Ltd. [1981] I.C.R. 248, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 715

Williams v. Painter Brothers Ltd. (1968) 4 K.I.R. 487, C.A. **Applied,** *Johnston v. Caddies Wainwright Ltd.* [1983] I.C.R. 407

Wilson v. Liverpool Corpn. [1971] 1 W.L.R. 302; [1971] 1 All E.R. 628, C.A. **Applied,** *Hellyer Brothers Ltd. v. McLeod* [1987] I.C.R. 526

Wilson v. Maynard Shipbuilding Consultants A.B. [1977] I.C.R. 112, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1978] I.C.R. 376

Wilson v. Maynard Shipbuilding Consultants A.B. [1978] I.C.R. 376; [1978] Q.B. 665; [1978] 2 W.L.R. 466; [1978] 2 All E.R. 78, C.A. **Applied,** *Claisse v. Keydril Ltd.* [1978] I.C.R. 812; *Todd v. British Midland Airways Ltd.* [1978] I.C.R. 959; *Janata Bank v. Ahmed (Qutubuddin)* [1981] I.C.R. 791; *Mears of Safecar Security Ltd.* [1982] I.C.R. 626; *Sonali Bank v. Rahman* [1989] I.C.R. 314; *Carver v. Saudi Arabian Airlines* [1999] I.C.R. 991

Wilson v. National Coal Board, 1966 S.L.T. 221. **Considered,** *Jennings v. National Coal Board* [1983] I.C.R. 636

Wilson v. National Coal Board, 1981 S.L.T. 67, H.L.(Sc.). **Applied,** *Colledge v. Bass Mitchells & Butlers Ltd.* [1988] I.C.R. 125

Wilson v. St. Helens Borough Council [1996] I.C.R. 711, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1998] I.C.R. 387

Wilson v. St. Helens Borough Council [1996] I.C.R. 387, C.A. **Decision of the Court of Appeal affirmed** [1998] I.C.R. 1141

Wilson v. St. Helens Borough Council [1998] I.C.R. 387, C.A. **Considered,** *Cornwall County Care Ltd. v. Brightman* [1998] I.C.R. 529

Wilson (Joshua) & Bros. Ltd. v. Union of Shop, Distributive and Allied Workers [1978] I.C.R. 614, E.A.T. **Approved,** *National Union of Gold, Silver & Allied Trades v. Albury Brothers Ltd.* [1979] I.C.R. 84
Considered, *Union of Construction, Allied Trades and Technicians v. H. Rooke & Son (Cambridge) Ltd.* [1978] I.C.R. 818

Wiltshire County Council v. National Association of Teachers in Further and Higher Education [1978] I.C.R. 968, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1980] I.C.R. 455

Wiltshire County Council v. National Association of Teachers in Further and Higher Education [1978] I.C.R. 968, E.A.T. **Considered,** *Ryan v. Shipboard Maintenance Ltd.* [1980] I.C.R. 88

Wiltshire Police Authority v. Wynn [1980] I.C.R. 649; [1981] Q.B. 95; [1980] 3 W.L.R. 445, C.A. **Applied,** *Daley v. Allied Supliers Ltd.* [1983] I.C.R. 90

Wingfield v. Ellerman's Wilson Line Ltd. [1960] 2 Lloyd's Rep. 16, C.A. **Applied,** *McDermid v. Nash Dredging & Reclamation Co. Ltd.* [1986] I.C.R. 525

Winterhalter Gastronom Ltd. v. Sparkes [1973] I.C.R. 245, N.I.R.C. **Not followed,** *Maris v. Rotherham Corpn.* [1974] I.C.R. 435

Wiseman v. Borneman [1971] A.C. 297; [1969] 3 W.L.R. 706; [1969] 3 All E.R. 275, H.L.(E.). **Applied,** *R. v. Civil Service Appeal Board, Ex parte Cunningham* [1992] I.C.R. 816

Wishart v. National Coal Board [1974] I.C.R. 460, N.I.R.C. **Applied,** *Lloyds Bank Ltd. v. Secretary of State for Employment* [1979] I.C.R. 258

Wislang's Application, *In re* [1984] N.I. 63. **Applied,** *Thomas v. University of Bradford* [1987] I.C.R. 245

Withers v. General Theatre Corpn. Ltd. [1933] 2 K.B. 536, C.A. **Applied,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1996] I.C.R. 406
Overruled in part, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606

Withers v. Teachers' Retirement System of the City of New York (1978) 447 F.Supp. 1248. **Considered,** *Cowan v. Scargill* [1984] I.C.R. 646

Wood v. Cunard Line Ltd. [1989] I.C.R. 398, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] I.C.R. 13

Wood v. London County Council [1941] 2 K.B. 232; [1941] 2 All E.R. 230, C.A. **Applied,** *Bromwich v. National Ear, Nose and Throat Hospital* [1980] I.C.R. 450

Wood v. York City Council [1978] I.C.R. 840, C.A. **Applied,** *Carrington v. Harwich Dock Co. Ltd.* [1998] I.C.R. 1112
Considered, *Ryan v. Shipboard Maintenance Ltd.* [1980] I.C.R. 88

Woods v. W.M. Car Services (Peterborough) Ltd. [1981] I.C.R. 666, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1982] I.C.R. 693

Woods v. W.M. Car Services (Peterborough) Ltd. [1981] I.C.R. 666, E.A.T. **Approved,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] I.C.R. 606
Considered, *Bliss v. South East Thames Regional Health Authority* [1987] I.C.R. 700

Woodhouse v. Peter Brotherhood Ltd. [1972] I.C.R. 186; [1972] 2 Q.B. 520; [1972] 3 W.L.R. 215; [1972] 3 All E.R. 91, C.A. **Applied,** *Crompton v. Truly Fair (International) Ltd.* [1975] I.C.R. 359
Distinguished, *Allman v. Rowland* [1977] I.C.R. 201

Worringham v. Lloyds Bank Ltd. [1979] I.C.R. 174, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1982] I.C.R. 299

Worringham v. Lloyds Bank Ltd. (Case 69/80) [1981] I.C.R. 558; [1981] 1 W.L.R. 950; [1981] 2 All E.R. 434, E.C.J. **Applied,** *Pickstone v. Freemans Plc.* [1987] I.C.R. 867. **Distinguished,** *Newstead v. Department of Transport* (Case 192/85) [1988] I.C.R. 332

Wyatt v. Kreglinger and Fernau [1993] 1 K.B. 793, C.A. **Applied,** Marshall v. N.M. Financial Management Ltd. [1995] I.C.R. 1042

Wynne v. Hair Control [1978] I.C.R. 870, E.A.T. **Considered,** *Allen & Son v. Coventry* [1980] I.C.R. 9

Wyvern Developments Ltd., *In re* [1974] 1 W.L.R. 1097; [1974] 2 All E.R. 535. **Considered,** *Cowan v. Scargill* [1984] I.C.R. 646

X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1995] 3 W.L.R. 152; [1995] 3 All E.R. 353, H.L.(E.). **Applied,** *Kapfunde v. Abbey National Plc.* [1999] I.C.R. 1

X (Mrs.) v. Commission of the European Communities (Case C-26/94P) [1994] E.C.R. I-4379, E.C.J. **Applied,** *Viho Europe B.V. v. Commission of the European Communities* (Case C-73/95P) [1997] I.C.R. 130

Yates' Settlement Trust, *In re* [1954] 1 W.L.R. 564; [1954] 1 All E.R. 619, C.A. **Applied,** *Masters of Beckenham Ltd. v. Green* [1977] I.C.R. 535

York City & District Travel Ltd. v. Smith [1990] I.C.R. 344, E.A.T. **Followed,** *Discount Tobacco & Confectionery Ltd. v. Williamson* [1993] I.C.R. 371

York Trailer Co. Ltd. v. Sparkes [1973] I.C.R. 518, N.I.R.C. **Considered,** *Bateman v. British Leyland U.K. Ltd.* [1974] I.C.R. 403

Yorkshire Engineering and Welding Co. Ltd. v. Burnham [1974] I.C.R. 77; [1974] 1 W.L.R. 206; [1973] 3 All E.R. 1176, N.I.R.C. **Applied,** *Bateman v. British Leyland U.K. Ltd.* [1974] I.C.R. 403; *Millington v. T. H. Goodwin & Sons Ltd.* [1975] I.C.R. 104; *Basnett v. J. & A. Jackson Ltd.* [1976] I.C.R. 63
Considered, *Mills v. Hassall* [1983] I.C.R. 330

Young v. Ladies' Imperial Club Ltd. [1920] 2 K.B. 523, C.A. **Applied,** *MacLelland v. National Union of Journalists* [1975] I.C.R. 116

Young & Woods Ltd. v. West [1980] I.R.L.R. 201, C.A. **Considered,** *O'Kelly v. Trusthouse Forte Plc.* [1983] I.C.R. 728

Yusuf v. Aberplace Ltd. [1984] I.C.R. 850, E.A.T. **Not followed,** *Reuben v. Brent London Borough Council* [2000] I.C.R. 102

Zamora, The [1916] 2 A.C. 77, P.C. **Applied,** *Council of Civil Service Unions v. Minister for the Civil Service* [1985] I.C.R. 14

Zarb v. British & Brazilian Produce Co. (Sales) Ltd. [1978] I.R.L.R. 78, E.A.T. **Followed,** *Tice v. Cartwright* [1999] I.C.R. 769

Zarczynska v. Levy [1979] I.C.R. 184; [1979] 1 W.L.R. 125; [1979] 1 All E.R. 864, E.A.T. **Applied,** *Showboat Entertainment Centre Ltd. v. Owens* [1984] I.C.R. 65

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1689 **Bill of Rights** (1 Will. & Mary sess. 2, c. 2)
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1831 **Truck Act** (1 & 2 Will. 4, c. 37)
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1845 **Gaming Act** (8 & 9 Vict. c. 109)
s. 18: A. R. Dennis & Co. Ltd. v. Campbell [1976] I.C.R. 465; [1978] I.C.R. 862

1861 **Offences against the Person Act** (24 & 25 Vict. c. 100)
ss. 44, 45: Saeed v. Inner London Education Authority [1985] I.C.R. 637

1875 **Conspiracy and Protection of Property Act** (38 & 39 Vict. c. 86)
s. 7: Reg. v. Jones (John) [1974] I.C.R. 310
Thomas v. National Union of Mineworkers (South Wales Area) [1985] I.C.R. 886

1889 **Interpretation Act** (52 & 53 Vict., c. 63)
s. 26: Migwain Ltd. v. Transport and General Workers' Union [1979] I.C.R. 597

1894 **Merchant Shipping Act** (57 & 58 Vict. c. 60)
s. 503(1): McDermid v. Nash Dredging & Reclamation Co. Ltd. [1986] I.C.R. 525; [1987] I.C.R. 917

1896 **Truck Act** (59 & 60 Vict. c. 44)
s. 1(1): Sealand Petroleum Co. Ltd. v. Barratt [1986] I.C.R. 423
ss. 1(1)(2), 2, 4: Bristow v. City Petroleum Ltd. [1986] I.C.R. 59; [1988] I.C.R. 165

1911 **Official Secrets Act** (1 & 2 Geo. 5, c. 28)
s. 2(1): Loat v. Andrews [1986] I.C.R. 679

1913 **Trade Union Act** (2 & 3 Geo. 5, c. 30)
s. 3: Parkin v. Association of Scientific, Technical and Managerial Staffs [1980] I.C.R. 662
s. 3 (as amended): Association of Scientific, Technical and Managerial Staffs v. Parkin [1984] I.C.R. 127

1920 **Official Secrets Act** (10 & 11 Geo. 5, c. 75)
s. 7: Loat v. Andrews [1986] I.C.R. 679

1925 **Supreme Court of Judicature (Consolidation) Act** (15 & 16 Geo. 5, c. 49)
s. 50(1): Department of Health and Social Security v. Envoy Farmers Ltd. [1976] I.C.R. 573

1930 **Third Parties (Rights Against Insurers) Act** (20 & 21 Geo. 5, c. 25)
s. 1: Bradley v. Eagle Star Insurance Co. Ltd. [1989] I.C.R. 301

1933 **Children and Young Persons Act** (23 & 24 Geo. 5, c. 12)
s. 21: Portsea Island Mutual Co-operative Society Ltd. v. Leyland [1978] I.C.R. 1195

1934 **Law Reform (Miscellaneous Provisions) Act** (24 & 25 Geo. 5, c. 41)
s. 1(1): Lewisham and Guys Mental Health N.H.S. Trust v. Andrews (decd.) [1999] I.C.R. 774; [2000] I.C.R. 707

1938 **Road Haulage Wages Act** (1 & 2 Geo. 6, c. 44
ss. 4(1)(3), 5(3) (as amended): Reg. v. Central Arbitration Committee, *Ex parte* RHM Foods Ltd. [1979] I.C.R. 657

1939 **Limitation Act** (2 & 3 Geo. 6, c. 21) (as amended)
ss. 2A, 2D: McCafferty v. Metropolitan Police District Receiver [1977] I.C.R. 799
ss. 2A(4)(7), 2D: Buck v. English Electric Co. Ltd. [1977] I.C.R. 629

1944 **Disabled Persons (Employment) Act** (7 & 8 Geo. 6, c. 10)
s. 9(5): Seymour v. British Airways Board [1983] I.C.R. 148
Hobson v. G.E.C. Telecommunications Ltd. [1985] I.C.R. 777

1944 **Education Act** (7 & 8 Geo. 6, c. 31)
  ss. 8, 99(1): Meade v. Haringey London Borough Council [1979] I.C.R. 494
  ss. 17(3)(*a*), 24(2): Jones v. Lee [1980] I.C.R. 310
  s. 30: Ahmad v. Inner London Education Authority [1976] I.C.R. 461; [1977] I.C.R. 490
  s. 99(1) (as applied): Reg v. Secretary of State for Education, *Ex parte* Prior [1994] I.C.R. 877

1945 **Law Reform (Contributory Negligence) Act** (8 & 9 Geo. 6, c. 28)
  s. 1(1): Jayes v. I.M.I. (Kynoch) Ltd. [1985] I.C.R. 155

1946 **Coal Industry Nationalisation Act** (9 & 10 Geo. 6, c. 59)
  ss. 3(1), 46(1): Reg. v. British Coal Corpn., *Ex parte* Vardy [1993] I.C.R. 720
  s. 46: National Coal Board v. National Union of Mineworkers [1986] I.C.R. 736
    Reg. v. British Coal Corpn., *Ex parte* Union of Democratic Mineworkers [1988] I.C.R. 36

1948 **Companies Act** (11 & 12 Geo. 6, c. 38)
  s. 196(2): Parsons v. Albert J. Parsons & Sons Ltd. [1978] I.C.R. 456; [1979] I.C.R. 271
  s. 399(5): *In re* Eloc Electro-Optiek and Communicatie B.V. [1981] I.C.R. 732

Agricultural Wages Act (11 & 12 Geo. 6, c. 47)
  s. 7(1): W. A. Armstrong & Sons Ltd. v. Borrill [2000] I.C.R. 367

1950 **Arbitration Act** (14 Geo. 6, c. 27)
  s. 4(1): Goodman v. Winchester & Alton Railway Plc. [1984] I.C.R. 842
  s. 21(1)(*b*): Imperial Metal Industries (Kynoch) Ltd. v. Amalgamated Union of Engineering Workers (Technical, Administrative and Supervisory Section) [1979] I.C.R. 23

Shops Act (14 Geo. 6, c. 28)
  s. 47: Chisholm v. Kirklees Metropolitan Borough Council [1993] I.C.R. 826

1952 **Prison Act** (15 & 16 Geo. 6 & Eliz. 2, c. 52)
  s. 8: Home Office v. Robinson [1982] I.C.R. 31
  s. 47(1): Reg. v. Secretary of State for the Home Department, *Ex parte* Benwell [1984] I.C.R. 723
    Reg. v. Secretary of State for the Home Department, *Ex parte* Broom [1985] I.C.R. 766

1953 **Registration Service Act** (1 & 2 Eliz. 2, c. 37)
  ss. 6, 13(2) (as amended): Miles v. Wakefield Metropolitan District Council [1984] I.C.R. 332; [1985] I.C.R. 363; [1987] I.C.R. 368

1954 **Mines and Quarries Act** (2 & 3 Eliz. 2, c. 70)
  s. 34(1)(*b*): Jennings v. National Coal Board [1983] I.C.R. 636
  ss. 37(6)(*b*), 157(*a*): Storey v. National Coal Board [1983] I.C.R. 156
  ss. 48(1), 157: Hammond v. National Coal Board [1984] I.C.R. 820
  s. 88: Thompson v. National Coal Board [1982] I.C.R. 15
  s. 89(*b*): McMullen v. National Coal Board [1982] I.C.R. 148

1955 **Army Act** (3 & 4 Eliz. c. 18)
  s. 181(3) (as amended): Reg. v. Army Board of the Defence Council, *Ex parte* Anderson [1991] I.C.R. 537

1956 **Restrictive Trade Practices Act** (4 & 5 Eliz. 2, c. 68)
  s. 2(2)(*b*): *In re* National Daily and Sunday Newspapers Proprietors' Agreement [1986] I.C.R. 44
  ss. 6(1)(3)(4), 7(2), 8(3): *In re* Cadbury Schweppes Ltd. and J. Lyons & Co. Ltd.'s Agreement [1975] I.C.R. 240
  s. 20(3): *In re* Flushing Cistern Makers' Ltd.'s Agreement [1973] I.C.R. 654
  s. 20(3)(*b*): *In re* British Concrete Pipe Association's Agreement (Note) [1982] I.C.R. 182
  s. 20(4): *In re* National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 5), [1973] I.C.R. 649
  s. 22(4): *In re* Cement Makers' Federation Agreement (No. 2) [1974] I.C.R. 445

Medical Act (4 & 5 Eliz. 2, c. 76)
  ss. 28(1), 33(1B) (as amended): Tarnesby v. Kensington and Chelsea and Westminster Area Health Authority (Teaching) [1980] I.C.R. 475; [1981] I.C.R. 615

1957 **Occupiers' Liability Act** (5 & 6 Eliz. 2, c. 31)
  s. 2(2): Clare v. L. Whittaker & Son (London) Ltd. [1976] I.C.R. 1

958 **Merchant Shipping (Liability of Shipowners and Others) Act** (6 & 7 Eliz. 2, c. 62)
- s. 3(1)(2): McDermid v. Nash Dredging & Reclamation Co. Ltd. [1986] I.C.R. 525; [1987] I.C.R. 917

959 **Highways Act** (7 & 8 Eliz. 2, c. 25)
- s. 121: Hunt v. Broome [1973] I.C.R. 281; [1974] I.C.R. 84

960 **Finance Act** (8 & 9 Eliz. 2, c. 44)
- s. 38(3): Basnett v. J. & A. Jackson Ltd. [1976] I.C.R. 63

961 **Factories Act** (9 & 10 Eliz. 2, c. 34)
- ss. 1, 4, 63: Brooks v. J. & P. Coates (U.K.) Ltd. [1984] I.C.R. 158
- ss. 5(1), 29(1): Davies v. Massey Ferguson Perkins Ltd. [1986] I.C.R. 580
- s. 14(1): Ballard v. Ministry of Defence [1976] I.C.R. 54; [1977] I.C.R. 513
  - Wearing v. Pirelli Ltd. [1977] I.C.R. 90
  - Mirza v. Ford Motor Co. Ltd. [1981] I.C.R. 757
  - Jayes v. I.M.I. (Kynoch) Ltd. [1985] I.C.R. 155
  - T.B.A. Industrial Products Ltd. v. Lainé [1987] I.C.R. 75
- s. 28(1): Bennett v. Rylands Whitecross Ltd. [1978] I.C.R. 1031
  - Johnston v. Caddies Wainwright Ltd. [1983] I.C.R. 407
- s. 28(4): Sanders v. F. H. Lloyd & Co. Ltd. [1982] I.C.R. 360
- ss. 28(4), 29(1): Allen v. Avon Rubber Co. Ltd. [1986] I.C.R. 695
- s. 29(1): Woodward v. Renold Ltd. [1980] I.C.R. 387
  - Cox v. H. C. B. Angus Ltd. [1981] I.C.R. 683
  - Smith v. British Aerospace [1982] I.C.R. 98
  - Darby v. G.K.N. Screws & Fasteners Ltd. [1986] I.C.R. 1
  - Yates v. Rockwell Graphic Systems Ltd. [1988] I.C.R. 8
  - Larner v. British Steel Plc. [1993] I.C.R. 551
- s. 65: Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502
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- s. 76(1): Nurse v. Morganite Crucible Ltd. [1989] I.C.R. 15
- s. 175(1): Bromwich v. National Ear, Nose and Throat Hospital [1980] I.C.R. 450
  - Reg. v. A.I. Industrial Products Plc. [1987] I.C.R. 418

963 **Contracts of Employment Act** (c. 49)
- s. 1(5), Sch. 1, paras. 5(1)(*b*)(3), 7(2): Clarke Chapman-John Thompson Ltd. v. Walters [1972] I.C.R. 83
- s. 4(1) (as amended): Gascol Conversions Ltd. v. Mercer [1974] I.C.R. 420
- s. 8(1), Sch. 1, paras. 4, 7(2)(3), 8, 11: Bloomfield v. Springfield Hosiery Finishing Co. Ltd. [1972] I.C.R. 91
- Sch. 1, paras. 2, 5, 7(2): McGorry v. Earls Court Stand Fitting Co. Ltd. [1973] I.C.R. 100
- Sch. 1, para. 5(1)(*b*): Kolatsis v. Rockware Glass Ltd. [1974] I.C.R. 580
- Sch. 1, para. 10: Deaway Trading Ltd. v. Calverley [1973] I.C.R. 546
- Sch. 1, para. 10(2): Woodhouse v. Peter Brotherhood Ltd. [1972] I.C.R. 186
  - Tarmac Roadstone Holdings Ltd. v. Peacock [1973] I.C.R. 273
  - de Rosa v. John Barrie (Contractor) Ltd. [1973] I.C.R. 553; [1974] I.C.R. 480
- Sch. 2, para. 1(1)(2): Redpath Dorman Long (Contracting) Ltd. v. Sutton [1972] I.C.R. 477
  - Gascol Conversions Ltd. v. Mercer [1974] I.C.R. 420
- Sch. 2, para. 2(4): Mole Mining Ltd. v. Jenkins [1972] I.C.R. 282
  - Adams v. John Wright & Sons (Blackwall) Ltd. [1972] I.C.R. 463

964 **Trade Union (Amalgamations, etc.) Act** (c. 24)
- s. 1 (as amended): Reg. v. Certification Officer, *Ex parte* Amalgamated Union of Engineering Workers (Engineering Section) [1982] I.C.R. 34; [1983] I.C.R. 125
- ss. 1, 4 (as amended): Rothwell v. Association of Professional Executive Clerical and Computer Staff [1976] I.C.R. 211

Police Act (c. 48)
- ss. 16(1), 18: Sheikh v. Chief Constable of Greater Manchester Police [1989] I.C.R. 373
- s. 17(1)(2)(3): Wiltshire Police Authority v. Wynn [1980] I.C.R. 401, 649
- s. 48(1): Waters v. Comr. of Police of the Metropolis [1997] I.C.R. 1073

Resale Prices Act (c. 58)
- s. 3(1): J.J.B. (Sports) Ltd. v. Milbro Sports Ltd. [1975] I.C.R. 73

1965 National Insurance Act (c. 51)
s. 49(1)(*b*): Reg. v. National Insurance Comr., *Ex parte* Insurance Officer [1981] I.C.R. 90
s. 97(2): Department of Health and Social Security v. Envoy Farmers Ltd. [1976] I.C.R. 573

National Insurance (Industrial Injuries) Act (c. 52)
s. 5: Reg. v. National Insurance Comr., *Ex parte* East [1976] I.C.R. 206
s. 5(1): Reg. v. National Insurance Comr., *Ex parte* Michael [1976] I.C.R. 90; [1977] I.C.R. 121
s. 14(1): Reg. v. Industrial Injuries Comr., *Ex parte* Langley [1976] I.C.R. 36

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s. 1, Sch. 1, para. 1: Clarke Chapman-John Thompson Ltd. v. Walters [1972] I.C.R. 83
Woodhouse v. Peter Brotherhood Ltd. [1972] I.C.R. 186
s. 1(1): Harold Fielding Ltd. v. Mansi [1974] I.C.R. 347
s. 1(1)(*a*): Marshall v. Harland & Wolff Ltd. [1972] I.C.R. 101
ss. 1(1)(*a*), 9(2)(*a*), 30(1)(*a*): Secretary of State for Employment v. Globe Elastic Thread Co. Ltd. [1979] I.C.R. 706
s. 1(1)(*b*): Puttick v. John Wright & Sons (Blackwall) Ltd. [1972] I.C.R. 457
ss. 1(1), 8: Dean v. Eastbourne Fishermen's and Boatmen's Protection Society and Club Ltd. [1977] I.C.R. 556
ss. 1(1), 16(5): Bagga v. Heavy Electricals (India) Ltd. [1972] I.C.R. 118
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ss. 1(2), 2(3)(4): Rowbotham v. Arthur Lee & Sons Ltd. [1975] I.C.R. 109
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Thomas v. Jones [1978] I.C.R. 274
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O'Neill v. Merseyside Plumbing Co. Ltd. [1973] I.C.R. 96
Runnalls v. Richards & Osborne Ltd. [1973] I.C.R. 225
Sutcliffe v. Hawker Siddeley Aviation Ltd. [1973] I.C.R. 560
United Kingdom Atomic Energy Authority v. Claydon [1974] I.C.R. 128
Johnson v. Nottinghamshire Combined Police Authority [1974] I.C.R. 170
Delanair Ltd. v. Mead [1976] I.C.R. 522
Higgs & Hill Ltd. v. Singh [1977] I.C.R. 193
Robinson v. British Island Airways Ltd. [1978] I.C.R. 304
Ranson v. G. & W. Collins Ltd. [1978] I.C.R. 765
Nottinghamshire County Council v. Lee [1979] I.C.R. 818
ss. 1(2)(*b*), 3(1)(*b*): Nottinghamshire County Council v. Lee [1980] I.C.R. 635
ss. 1(2)(*b*), 9(1)(*b*): Lesney Products & Co. Ltd. v. Nolan [1977] I.C.R. 235
s. 2 (as amended): Hindes v. Supersine Ltd. [1979] I.C.R. 818
ss. 2(2), 10: Simmons v. Hoover Ltd. [1977] I.C.R. 61
s. 2(3): Devonald v. J. D. Insulating Co. Ltd. [1972] I.C.R. 209
United Kingdom Atomic Energy Authority v. Claydon [1974] I.C.R. 128
s. 2(3)(4): Chapman v. Goonvean and Rostowrack China Clay Co. Ltd. [1973] I.C.R. 310
ss. 2(3)(4), 9: Simpson v. Dickinson [1972] I.C.R. 474
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Jones v. Aston Cabinet Co. Ltd. [1973] I.C.R. 292
Kaye v. Cooke's (Finsbury) Ltd. [1974] I.C.R. 65
Kane v. Raine & Co. Ltd. [1974] I.C.R. 300
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Wilson-Undy v. Instrument & Control Ltd. [1976] I.C.R. 508
s. 2(4)(*a*): E. & J. Davis Transport Ltd. v. Chattaway [1972] I.C.R. 267
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s. 3(1): G.K.N. (Cwmbran) Ltd. v. Lloyd [1972] I.C.R. 214
Sutcliffe v. Hawker Siddeley Aviation Ltd. [1973] I.C.R. 560
Tunnel Holdings Ltd. v. Woolf [1976] I.C.R. 387
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ss. 3(2)(*b*), 9(1): Secretary of State for Employment v. Wellworthy Ltd. [1973] I.C.R. 477
ss. 3(2)(*b*), 9(1), 34: Secretary of State for Employment v. Wellworthy Ltd. (No. 2) [1976] I.C.R. 13
s. 3(2)(*c*)(3) (as amended): Air Canada v. Lee [1978] I.C.R. 1202
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988 **Employment Act** (c. 19)
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989 **Employment Act** (c. 38)
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990 **National Health Service and Community Care Act** (c. 19)
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996 **Employment Tribunals Act** (*formerly* **Industrial Tribunals Act**) (c. 17)
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s. 111(2): London Underground Ltd. v. Noel [2000] I.C.R. 109
Post Office v. Sanhotra [2000] I.C.R. 866
s. 112(2): Constantine v. McGregor Cory Ltd. [2000] I.C.R. 938
s. 111(2)(*b*): Schultz v. Esso Petroleum Co. Ltd. [1999] I.C.R. 1202
ss. 114, 117(3), 124(4): Selfridges Ltd. v. Malik [1998] I.C.R. 268
ss. 122, 123: Taylor v. John Webster Buildings Civil Engineering [1999] I.C.R. 561
ss. 122(2), 123(6): Optikinetics Ltd. v. Whooley [1999] I.C.R. 984
s. 123: Savage v. Saxena [1998] I.C.R. 357
s. 123(1): Whelan v. Richardson [1998] I.C.R. 318
ss. 135(1), 167, 214(2): Lassman v. Secretary of State for Trade and Industry [1999] I.C.R. 416
s. 139(1)(*b*): Church v. West Lancashire N.H.S. Trust [1998] I.C.R. 423
British Broadcasting Corpn. v. Farnworth [1998] I.C.R. 1116
Murray v. Foyle Meats Ltd. [1999] I.C.R. 827
ss. 139(1)(*b*), 163(2): Shawkat v. Nottingham City Hospital N.H.S. Trust [1999] I.C.R. 780
ss. 166, 230(1): Smith v. Secretary of State for Trade and Industry [2000] I.C.R. 69
ss. 167, 214 (2)(*a*)(5)(*c*): Lassman v. Secretary of State for Trade and Industry [2000] I.C.R. 1109
ss. 182, 230(1): Secretary of State for Trade and Industry v. Bottrill [1998] I.C.R. 564; [1999] I.C.R. 592
ss. 191(3), 230(1)(2): Johnson v. Ryan [2000] I.C.R. 236
s. 196(2): Carver v. Saudi Arabian Airlines [1999] I.C.R. 991
s. 197(3): Kingston upon Hull City Council v. Mountain [1999] I.C.R. 715
s. 197(3)(5): Housing Services Agency v. Cragg [1997] I.C.R. 1050

1996 **Employment Rights Act**—*continued*
- s. 203: Collison v. British Broadcasting Corpn. [1998] I.C.R. 669
  - Lunt v. Merseyside TEC Ltd. [1999] I.C.R. 17
- s. 212(1): Bradford Metropolitan District Council v. Dawson [1999] I.C.R. 312
- s. 218: Affleck v. Newcastle MIND [1999] I.C.R. 852
- ss. 218(6), 231: Tice v. Cartwright [1999] I.C.R. 769
- s. 221(2): W. A. Armstrong & Sons Ltd. v. Borrill [2000] I.C.R. 367
- s. 230(1): Express & Echo Publications Ltd. v. Tanton [1999] I.C.R. 693

Education Act (c. 56)
- Sch. 14: Lancashire County Council v. Mason [1998] I.C.R. 907
- Sch. 14, paras. 23, 25, 27: Howard v. Governors of Brixington Infants School [1999] I.C.R. 1096

1998 **National Minimum Wage Act** (c. 39)
- ss. 1(2)(*a*), 54(2)(3): Edmonds v. Lawson [2000] I.C.R. 567

STATUTORY INSTRUMENTS, ETC., JUDICIALLY CONSIDERED

I.C.R. 1972 to 2000

- .S.C.
  - Ord. 29, r. 2A: Howard E. Perry & Co. Ltd. v. British Railways Board [1980] I.C.R. 743
  - Ord. 38, r. 29: Lawrence v. Newham London Borough Council [1978] I.C.R. 10
  - Ord. 41: Practice Direction (Restrictive Practices: Evidence) [1984] I.C.R. 703
  - Ord. 52, r. 1(2)(*a*)(iii): Peach Grey & Co. v. Sommers [1995] I.C.R. 549
  - Ord. 53, r. 1: Reg. v. British Broadcasting Corpn., *Ex parte* Lavelle [1983] I.C.R. 99
  - Ord. 53, rr. 1, 9(5): Reg. v. East Berkshire Health Authority, *Ex parte* Walsh [1984] I.C.R. 743
  - Ord. 53, r. 1(2): Reg. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1994] I.C.R. 317
  - Ord. 59, r. 15: Tether v. Financial Times Ltd. [1980] I.C.R. 447
  - Ord. 62, r. 6(2): McDonald v. Horn [1995] I.C.R. 685
- **cas Code of Practice 1: Disciplinary Practice and Procedures in Employment** (1997)
  - para. 10(h): Beedell v. West Ferry Printers Ltd. [2000] I.C.R. 1263
- **gricultural Wages Order 1997 (Number 1)**
  - s. 13: W. A. Armstrong & Sons Ltd. v. Borrill [2000] I.C.R. 367
- **ir Navigation Order 1974** (S.I. 1974 No. 1114)
  - art. 26(2): Alidair Ltd. v. Taylor [1978] I.C.R. 445
- **sbestos Regulations 1969** (S.I. 1969 No. 690)
  - regs. 2(3), 5(1), 8(1): Reg. v. A.I. Industrial Products Ltd. [1987] I.C.R. 418
  - regs. 3(1)(2), 5(1)(2): Nurse v. Morganite Crucible Ltd. [1989] I.C.R. 15
  - regs. 3(2), 5(2), 9, 10: Edgson v. Vickers Plc. [1994] I.C.R. 510
- **ritish Transport (Compensation to Employees) Regulations 1970** (S.I. 1970 No. 187)
  - regs. 5(1), 13(1): Tuck v. National Freight Corpn. [1978] I.C.R. 323; [1979] I.C.R. 123
- **oal and Other Mines (General Duties and Conduct) Order 1956** (S.I. 1956 No. 1761)
  - Sch. 1, reg. 9(1): McMullen v. National Coal Board [1982] I.C.R. 148
- **ollective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995** (S.I. 1995 No. 2587)
  - regs. 3(2), 8: Reg. v. Secretary of State for Trade and Industry. *Ex parte* UNISON [1996] I.C.R. 1003
- **olleges of Education (Compensation) Regulations 1975** (S.I. 1975 No. 1092)
  - reg. 38(1): Leeds City Council v. Pomfret [1983] I.C.R. 674
- **onstruction (Design and Management) Regulations 1994** (S.I. 1994 No. 3140)
  - regs. 2, 13(2)(*a*): Reg. v. Paul Wurth S.A. [2000] I.C.R. 860
- **onstruction (General Provisions) Regulations 1961** (S.I. 1961 No. 1580)
  - regs. 3(1), 42: Johns v. Martin Simms (Cheltenham) Ltd. [1983] I.C.R. 305
  - regs. 3, 32, 37: Morris v. Breaveglen Ltd. (trading as Anzac Construction Co.) [1993] I.C.R. 766
- **onstruction (Lifting Operations) Regulations 1961** (S.I. 1961 No. 1581)
  - regs. 3, 11(1): Williams v. West Wales Plant Hire Co. Ltd., [1985] I.C.R. 6
- **onstruction (Working Places) Regulations 1966** (S.I. 1966 No. 94)
  - reg. 3(1): Kealey v. Heard [1983] I.C.R. 484
  - reg. 3(1)(*a*): Clare v. L. Whittaker & Son (London) Ltd. [1976] I.C.R. 1
  - reg. 6(1): Bowes v. Sedgefield District Council [1981] I.C.R. 234
  - reg. 30(2): McGovern v. British Steel Corpn. [1986] I.C.R. 608
  - regs. 36(2), 38(1): Reg. v. Rhône-Poulenc Rorer Ltd. [1996] I.C.R. 1054
- **ontrol of Lead at Work Regulations 1980** (S.I. 1980 No. 1248)
  - reg. 8: Hewett v. Alf Brown's Transport Ltd. [1991] I.C.R. 471; [1992] I.C.R. 530
- **ounter-Inflation (Price and Pay Code) Order 1973** (S.I. 1973 No. 658)
  - paras. 105, 106, 109, 153: British Leyland U.K. Ltd. v. Pay Board [1974] I.C.R. 134
  - paras. 109, 134: Racal Communications Ltd. v. Pay Board [1974] I.C.R. 590
  - para. 113: Co-operative Employers Association v. Pay Board [1974] I.C.R. 159
  - paras. 116, 153: Bate v. English Clays Lovering Pochin & Co. Ltd. [1974] I.C.R. 359

Counter-Inflation (Price and Pay Code) (No. 2) Order 1973 (S.I. 1973 No. 1785)
Sch., para. 28(ii)(*d*): Associated Portland Cement Manufacturers Ltd. v. Price Commission [1975] I.C.R. 27
H.T.V. Ltd. v. Price Commission [1976] I.C.R. 170
Sch., paras. 57, 58, 67: General Electric Co. Ltd. v. Price Commission [1974] I.C.R. 609; [1975] I.C.R. 1
Counter-Inflation (Restrictions on Remuneration) Order 1973 (S.I. 1973 No. 148)
Summerfield v. London Co-operative Society Ltd. [1973] I.C.R. 568
County Court Rules
Ord. 14, rr. 1, 2: Science Research Council v. Nassé [1978] I.C.R. 1124
Leyland Cars Ltd. v. Vyas [1978] I.C.R. 1124
County Court Rules 1981 (S.I. 1981 No. 1687 (L. 20))
Ord. 6, r. 1(5)(6)(7), Ord. 37, r. 5(1): Edwards v. Peter Black Healthcare (Southern) Ltd. [2000] I.C.R. 120
Dock Workers (Regulations of Employment) Order 1947 (S.I. 1947 No. 1189)
Sch., cl. 8(5)(*b*) (as amended): Transport and General Workers' Union v. Associated British Ports [1989] I.C.R. 557
Education (Teachers) Regulations 1982 (S.I. 1982 No. 106)
reg. 13(1), Sch. 5, para. 2: Hampson v. Department of Education and Science [1988] I.C.R. 278; [1989] I.C.R. 179; [1990] I.C.R. 511
Employers' Health and Safety Policy Statements (Exception) Regulations 1975 (S.I. 1975 No. 1584)
reg. 2: Osborne v. Bill Taylor of Huyton Ltd. [1982] I.C.R. 168
Employment Appeal Tribunal Rules 1976 (S.I. 1976 No. 322)
rr. 3(1)(2), 9, 13, 15: Practice Direction (E.A.T.: Appeals) [1978] I.C.R. 621
rr. 3(2)(3), 9: Practice Direction (E.A.T.: Appeal Procedure) [1977] I.C.R. 163
rr. 8, 21: Lowbey v. Lindo (Note) [1981] I.C.R. 216
r. 20(1): Eden v. Humphries & Glasgow Ltd. [1981] I.C.R. 183
r. 21(1): Croydon v. Greenham (Plant Hire) Ltd. [1978] I.C.R. 415
Walsall Metropolitan Borough Council v. Sidhu [1980] I.C.R. 519
r. 23: Pambakian v. Brentford Nylons Ltd. [1978] I.C.R. 665
Employment Appeal Tribunal Rules 1980 (S.I. 1980 No. 2035)
r. 3: Practice Direction (E.A.T.: Procedure) [1981] I.C.R. 287
Duke v. Prospect Training Services Ltd. [1988] I.C.R. 521
rr. 3, 30 (as amended): Martin v. British Railways Board [1989] I.C.R. 24
r. 3(1) (as amended): Gutzmore v. J. Wardley (Holdings) Ltd. [1993] I.C.R. 581
rr. 3(1), 32: Wolesley Centers Ltd. v. Simmons [1994] I.C.R. 503
r. 3(1)(3): Sir Alfred McAlpine & Son (Northern) Ltd. v. Foulkes [1977] I.C.R. 748
r. 26: Blockleys Plc. v. Miller [1992] I.C.R. 749
rr. 26, 27: Stannard & Co. (1969) Ltd. v. Wilson [1983] I.C.R. 86
r. 26(1)(*c*): Jenkins v. P. & O. European Ferries (Dover) Ltd. [1991] I.C.R. 652
r. 27: Burton v. British Railways Board (Note) [1983] I.C.R. 544
Employment Appeal Tribunal Rules 1993 (S.I. 1993 No. 2854)
r. 2, Sch. 1, rr. 3(1)(*c*), 39(2): Ali v. Christian Salvesen Food Services Ltd. [1996] I.C.R. 1
r. 3(2): Hammersmith and Fulham London Borough Council v. Ladejobi [1999] I.C.R. 673
r. 23: A v. B, *Ex parte* News Group Newspapers Ltd. [1998] I.C.R. 55
r. 34(1): Reddington v. S. Straker & Sons Ltd. [1994] I.C.R. 172
r. 37: United Arab Emirates v. Abdelghafar [1995] I.C.R. 65
r. 37(1): Setiya v. East Yorkshire Health Authority [1995] I.C.R. 799
Practice Direction (E.A.T.: Procedure) [1996] I.C.R. 422
Employment Protection (Part-time Employees) Regulations 1995 (S.I. 1995 No. 31)
reg. 4: Hammersmith and Fulham London Borough Council v. Jesuthasan [1996] I.C.R. 991
Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977 (S.I. 1977 No. 674)
regs. 3(1)(*a*), 5, Sch.: Homan v. Al Bacon Co. Ltd. [1996] I.C.R. 721
Employment Protection (Recruitment of Job Seekers Allowance and Income Support) Regulations 1996 (S.I. 1996 No. 2349)
reg. 4(1): Savage v. Saxena [1998] I.C.R. 357
Employment Tribunals (Constitution and Procedure) Regulations 1993 (S.I. 1993 No. 2687)
Sch. 1, r. 8(2): Storer v. British Gas Plc. [2000] I.C.R. 603
Sch. 1, r. 14: Leicester University v. A [1999] I.C.R. 701

Employment Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994 (S.I. 1994 No. 1623)

arts. 3, 7: Capek v. Lincolnshire County Council [2000] I.C.R. 878

art. 7(*c*): Schultz v. Esso Petroleum Co. Ltd. [1999] I.C.R. 1202

Enrolled Nurses Rules, Approved Instrument 1969 (S.I. 1969 No. 1674)

rr. 58, 59, 60, Sch. 4. para. 3: Kingston and Richmond Area Health Authority v. Kaur (Tajwinder) [1981] I.C.R. 631

Equal Pay (Amendment) Regulations 1983 (S.I. 1983 No. 1794)

reg. 2(1): Dibro Ltd. v. Hore [1990] I.C.R. 370

European Bank for Reconstruction and Development (Immunities and Privileges) Order 1991 (S.I. 1991 No. 757)

arts. 2, 5, 13: Mukoro v. European Bank for Reconstruction and Development [1994] I.C.R. 897

Family Income Supplements (General) Regulations 1980 (S.I. 1980 No. 1437)

reg. 2(2): Lowe v. Chief Adjudication Officer [1985] I.C.R. 813

reg. 2(3): Chief Adjudication Officer v. Hogg [1985] I.C.R. 804

Fire Services (Discipline) Regulations 1984 (S.I. 1948 No. 545)

Sch., para. (7): Reg. v. Hampshire County Council, *Ex parte* Ellerton [1985] I.C.R. 317

Funds for Trade Union Ballots Regulations 1984 (S.I. 1984 No. 1654)

reg. 5(1) (as substituted): Comber v. Harmony Inns Ltd. [1993] I.C.R. 15

reg. 11(*f*): Reg. v. Certification Officer for Trade Unions and Employers' Associations, *Ex parte* Electrical Power Engineers' Association [1990] I.C.R. 156, 682

Gas Safety (Installation and Use) Regulations 1994 (S.I. 1994 No. 1886)

regs. 3(5), 6(3), 26(1)(5), 37: Reg. v. Nelson Group Services (Maintenance) Ltd. [1999] I.C.R. 1004

Greater London Council Housing (Staff Transfer and Protection) Order 1979 (S.I. 1979 No. 1737)

art. 7: McCree v. Tower Hamlets London Borough Council [1992] I.C.R. 99

Heathrow Airport—London Byelaws 1972

byelaw 5(34)(58): British Airports Authority v. Ashton [1983] I.C.R. 696

Horizontal Milling Machines Regulations 1928 (S.R. & O. 1928 No. 548)

reg. 3: Lineker v. Raleigh Industries Ltd. [1980] I.C.R. 83

Housing Benefit (General) Regulations 1987 (S.I. 1987 No. 1971)

regs. 28(1)(*g*), 99(1): Savage v. Saxena [1998] I.C.R. 357

Income Tax (Employments) Regulations (S.I. 1973 No. 334)

regs. 3, 29 (as amended): Andrews v. King [1991] I.C.R. 846

Industrial Court Rules 1971 (S.I. 1971 No. 1777 (L. 36))

r. 21: Ward v. SOGAT [1973] I.C.R. 463

rr. 30, 52: Marshall v. Harland & Wolff Ltd. (Practice Note) [1972] I.C.R. 97

r. 66(ii)(*b*): Midland Cold Storage Ltd. v. Turner [1972] I.C.R. 230

Dacres v. Walls Meat Co. Ltd. [1976] I.C.R. 44

r. 68: Bowden v. Board of Inland Revenue [1974] I.C.R. 549

r. 69: Penrose v. Fairey Surveys Ltd. [1973] I.C.R. 26

Practice Direction (Costs: Appeals on Fact) [1973] I.C.R. 462

J. & H. Smith Ltd. v. Smith [1974] I.C.R. 156

Industrial Training (Construction Board) Order 1980 (S.I. 1980 No. 1274)

Sch. 1, para. 1(*a*)(*c*) (as amended): Construction Industry Training Board v. Chiltern Insulations Ltd. [1986] I.C.R. 394

Industrial Training Levy (Construction Board) Order 1983 (S.I. 1983 No. 1956)

art. 2(1): Construction Industry Training Board v. Chiltern Insulations Ltd. [1986] I.C.R. 394

Industrial Training Levy (Road Transport) Order 1974 (S.I. 1974 No. 1021)

art. 2(1)(*g*)(3): Road Transport Industry Training Board v. Ongaro [1977] I.C.R. 523

Industrial Training Levy (Road Transport) Order 1983 (S.I. 1983 No. 1159)

arts. 2, 3: Road Transport Industry Training Board v. Hales Containers Ltd. [1988] I.C.R. 640; [1990] I.C.R. 116

Industrial Training Levy (Road Transport Board) Order 1982 (S.I. 1982 No. 664)

art. 3, Sch. 1, para. 1(a): Road Transport Industry Training Board v. Hales Containers Ltd. [1990] I.C.R. 116

Industrial Tribunals (Constitution and Procedure) Regulations 1993 (S.I. 1993 No. 2687)
- Sch. 1, r. 3: Kwik Save Stores Ltd. v. Swain [1997] I.C.R. 49
- Sch. 1, rr. 6, 13(8): Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154
  - Sutcliffe v. Big C's Marine Ltd. [1997] I.C.R. 913
- Sch. 1, rr. 7, 15: Immigration Advisory Service v. Oommen [1997] I.C.R. 683
- Sch. 1, r. 8(2)(3): Fry v. Foreign and Commonwealth Office [1997] I.C.R. 512
- Sch. 1, rr. 9(1), 13(1), 16(1): Eurobell Holdings Plc. v. Barker [1994] I.C.R. 299
- Sch. 1, r. 10: Homan v. Al Bacon Co. Ltd. [1996] I.C.R. 721
- Sch. 1, r. 10(3): Speciality Care Plc. v. Pachela [1996] I.C.R. 633
- Sch. 1, r. 14: A v. B. *Ex parte* News Group Newspapers Ltd. [1998] I.C.R. 55
  - M. v. Vincent [1998] I.C.R. 73
- Sch. 1, r. 14(1): X. v. Z. Ltd. [1998] I.C.R. 43
- Sch. 1, rr. 3, 15: Tull v. Severin [1998] I.C.R. 1037
- Sch. 1, r. 17(2): Drinkwater Sabey Ltd. v. Burnett [1995] I.C.R. 328

Industrial Tribunals (England and Wales) Regulations 1965 (S.I. 1965 No. 1101)
- reg. 5: Habib (Ghulam) v. Elkington & Co. Ltd. [1981] I.C.R. 435
- reg. 5(1) (as substituted): Comber v. Harmony Inns Ltd. [1993] I.C.R. 15
- reg. 5(4): Coates v. C. J. Crispin Ltd. [1973] I.C.R. 413

Industrial Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994 (S.I. 1994 No. 1623)
- art. 3(*c*): Sarker v. South Tees Acute Hospitals N.H.S. Trust [1997] I.C.R. 673

Industrial Tribunals (Industrial Relations, etc.) Regulations 1972 (S.I. 1972 No. 38)
- Sch., r. 1(1): Smith v. Automobile Proprietary Ltd. [1973] I.C.R. 306
  - MacDonald v. South Cambridgeshire Rural District Council [1973] I.C.R. 611
  - Ogidi-Olu v. Guys Hospital Board of Governors [1973] I.C.R. 645
  - W. Press & Son Ltd. v. Hall [1974] I.C.R. 21
- Sch., rr. 2(1), 14(1): Cocking v. Sandhurst (Stationers) Ltd. [1974] I.C.R. 650
- Sch., r. 2(1)(*a*): British Building & Engineering Applicances Ltd. v. Dedman [1973] I.C.R. 82
  - Hammond v. Haigh Castle & Co. Ltd. [1973] I.C.R. 148
  - Dedman v. British Building & Engineering Applicances Ltd. [1974] I.C.R. 53
- Sch., r. 2(1)(*a*): Dorber v. London Brick Co. Ltd. [1974] I.C.R. 270
  - Harvey's Household Linens Ltd. v. Benson [1974] I.C.R. 306
  - Sturges v. A. E. Farr Ltd. [1975] I.C.R. 356
- Sch., rr. 4(2), 12(2): Raybright T.V. Services Ltd. v. Smith [1973] I.C.R. 640
- Sch., r. 12: Estorffe v. Smith [1973] I.C.R. 542
- Sch., r. 12(1): Dean v. Polytechnic of North London [1973] I.C.R. 490
  - Stevensons (Dyers) Ltd. v. Brennan [1974] I.C.R. 194
- Sch., r. 12(1)(*d*): Bateman v. British Leyland U.K. Ltd. [1974] I.C.R. 403
  - Flint v. Eastern Electricity Board [1975] I.C.R. 395
- Sch., r. 12(1)(*e*): Yorkshire Engineering and Welding Co. Ltd. v. Burnham [1974] I.C.R. 77
- Sch., r. 12(1)(2): Rigby v. British Steel Corpn. [1973] I.C.R. 160
- Sch., r. 13(1): Anglo Continental School of English (Bournemouth) Ltd. v. Gardiner [1973] I.C.R. 261
  - Westward Circuits Ltd. v. Read [1973] I.C.R. 301
  - Rogers v. Bodfari (Transport) Ltd. [1973] I.C.R. 325
  - Singh v. Post Office [1973] I.C.R. 437
  - Owen v. Crown House Engineering Ltd. [1973] I.C.R. 511
  - E. T. Marler Ltd. v. Robertson [1974] I.C.R. 72

Industrial Tribunals (Industrial Relations, etc.) (Scotland) Regulations 1972 (S.I. 1972 No. 39)
- Sch., r. 2(1)(*a*): Dewar & Finlay Ltd. v. Glazier [1973] I.C.R. 572

Industrial Tribunals (Interest) Order 1990 (S.I. 1990 No. 479)
- arts. 2, 3(1): Secretary of State for Employment v. Reeves [1993] I.C.R. 508

Industrial Tribunals (Labour Relations) Regulations 1974 (S.I. 1974 No. 1386)
- Sch., r. 1(1): Nash v. Ryan Plant International Ltd. [1977] I.C.R. 560
- Sch., rr. 1(1), 4(1) (as amended): Honeyrose Products Ltd. v. Joslin [1981] I.C.R. 317
- Sch., rr. 1(1), 11(6), 14(1)(*a*): Bengey v. North Devon District Council [1977] I.C.R. 15
- Sch., rr. 1(1), 14(1): Post Office v. Moore [1981] I.C.R. 623
- Sch., r. 2(4): Sheringham Development Co. Ltd. v. Browne [1977] I.C.R. 20
- Sch., rr. 3, 14(1)(*e*)(*f*): Knulty v. Eloc Electro-Optiek Communicatie B.V. [1979] I.C.R. 827
- Sch., r. 3(1): White v. University of Manchester [1976] I.C.R. 419
  - Seldun Transport Services Ltd. v. Baker [1978] I.C.R. 1035
- Sch., rr. 3(2)(3), 12(1): St. Mungo Community Trust v. Colleano [1980] I.C.R. 254

Industrial Tribunals (Labour Relations) Regulations 1974—*continued*

Sch., r. 4: Wilcox v. H.G.S. [1976] I.C.R. 306
Sch., r. 4(1)(*a*)(*b*): Science Research Council v. Nassé [1978] I.C.R. 777; [1978] I.C.R. 1124
Sch., r. 6(1): Cahm v. Ward and Goldstone Ltd. [1979] I.C.R. 574
Sch., rr. 6(1), 12(2): Milne & Lyall v. Waldren [1980] I.C.R. 138
Sch., r. 8(2): Jowett v. Earl of Bradford [1977] I.C.R. 342
Portsea Island Mutual Co-operative Society Ltd. v. Rees [1980] I.C.R. 260
Times Newspapers Ltd. v. Fitt [1981] I.C.R. 637
Sch., r. 9: P. J. Drakard & Sons Ltd. v. Wilton [1977] I.C.R. 642
Sch., rr. 9(1), 11(2)(*e*): Acrow Engineers Ltd.v. Hathaway [1981] I.C.R. 510
Sch., r. 9(1)(*b*): Migwain Ltd. v. Transport and General Workers' Union [1979] I.C.R. 597
Sch., r. 10(1): Carr v. Allen-Bradley Electronics Ltd. [1980] I.C.R. 603
Sch., r. 10(2) (as amended): Ladbroke Racing Ltd. v. Hickey [1979] I.C.R. 525
Sch., r. 10(2)(*a*) (as amended): Rajguru v. Top Order Ltd. [1978] I.C.R. 565
Sch., rr. 11(1), 12(2): Charman v. Palmers Scaffolding Ltd. [1979] I.C.R. 335
Sch., r. 11(2): Mulvaney v. London Transport Executive [1981] I.C.R. 351
Sch., r. 11(2)(*b*): Jacobs v. Norsalta Ltd. [1977] I.C.R. 189
Sch., r. 11(2)(*f*) (as amended): Rahi v. H.M. Land Registry [1979] I.C.R. 93
Sch., r. 13(1): Marshall v. Alexander Sloan & Co. Ltd. [1980] I.C.R. 394

Industrial Tribunals (Rules of Procedure) Regulations 1980 (S.I. 1980 No. 884)

reg. 2, Sch. 1, r. 7(1): Jones v. Enham Industries (Note) [1983] I.C.R. 580
reg. 2, Sch. 1, r. 10: Peter Simper & Co. Ltd. v. Cooke [1984] I.C.R. 6
reg. 2, Sch. 1, rr. 12(4), 13(2): Nikitas v. Solihull Metropolitan Borough Council [1986] I.C.R. 291
reg. 3, Sch. 1, r. 12(2)(*e*): Ashmore v. British Coal Corpn. [1990] I.C.R. 485
Sch. 1, r. 1(1)(*c*): Burns International Security Services (U.K.) Ltd. v. Butt [1983] I.C.R. 547
Sch. 1, r. 4(1)(*b*): Eagle Star Insurance Co. Ltd. v. Hayward [1981] I.C.R. 860
Sch. 1, r. 4(4): Beacard Property Management & Construction Co. Ltd. v. Day [1984] I.C.R. 837
Medallion Holidays Ltd. v. Birch [1985] I.C.R. 578
Sch. 1, rr. 4(4), 8(1): Dean (Saif) v. Islamic Foundation [1983] I.C.R. 36
Sch. 1, r. 6: Mackie v. John Holt Vintners Ltd. (Note) [1982] I.C.R. 146
Sch. 1, r. 9(2): Guest v. Alpine Soft Drinks Ltd. [1982] I.C.R. 110
Varndell v. Kearney & Trecker Marwin Ltd [1983] I.C.R. 683
Sch. 1, r. 10: Stonehill Furniture Ltd. v. Phillippo [1983] I.C.R. 556
Sch. 1, r. 10(1)(*d*)(*e*): General Council of British Shipping v. Deria [1985] I.C.R. 198
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Sch. 1, r. 11(1): Davidson v. John Calder (Publishers) Ltd. [1985] I.C.R. 143
Sch. 1, r. 12(2)(*f*): Kelly v. Ingersoll-Rand Co. Ltd. [1982] I.C.R. 476
O'Shea v. Immediate Sound Services Ltd. [1986] I.C.R. 598
Sch. 1, r. 14: Watts v. Seven Kings Motor Co. Ltd. [1983] I.C.R. 135

Industrial Tribunals (Rules of Procedure) Regulations 1985 (S.I. 1985 No. 16)

reg. 2, Sch. 1, r. 9: Spring Grove Services Group Plc. v. Hickinbottom [1990] I.C.R. 111
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reg. 2, Sch., r. 12(2)(*d*): Dattani v. Trio Supermarkets Ltd. [1998] I.C.R. 872
Sch. 1, r. 1: Dodd v. British Telecommunications Plc. [1988] I.C.R. 116, E.A.T. [1988] I.C.R. 116
Sch. 1, r. 3: S. Aspris & Sons Ltd. v. Demetriou [1989] I.C.R. 246
Sch. 1, rr. 3, 13(1): Charlton v. Charlton Thermosystems (Romsey) Ltd. [1995] I.C.R. 56
Sch. 1, r. 3(1): London Branch of the Nigerian Universities Commission v. Bastians [1995] I.C.R. 358
Sch. 1, rr. 3(1), 9(9): Comber v. Harmony Inns Ltd. [1993] I.C.R. 15
Sch. 1, r. 5: Derrybaa Ltd. v. Castro-Blanco [1986] I.C.R. 546
Sch. 1, r. 6(1), 12(4): Ferodo Ltd. v. Bradbury [1990] I.C.R. 209
Sch. 1, r. 8(1): Snowball v. Gardner Merchant Ltd. [1987] I.C.R. 719
Sch. 1, rr. 8(1), 14(1): Reddington v. S. Straker & Sons Ltd. [1994] I.C.R. 172
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Sch. 1, r. 9(4)(5): Gutzmore v. J. Wardley (Holdings) Ltd. [1993] I.C.R. 581
Sch. 1, r. 10: Wileman v. Minilec Engineering Ltd. [1988] I.C.R. 318

- **Industrial Tribunals (Rules of Procedure) Regulations 1985** *continued*
  - Sch. 1, r. 10(1)(*b*): T. & D. Transport (Portsmouth) Ltd. v. Limburn [1987] I.C.R. 696
  - Sch. 1., r. 10(1)(*d*): Borden (U.K.) Ltd. v. Potter [1986] I.C.R. 647
  - Sch. 1, r. 10(1)(*e*): Lindsay v. Ironsides Ray & Vials [1994] I.C.R. 384
  - Sch. 1, r. 11(1)(*a*): Keskar v. Governors of All Saints Church of England School [1991] I.C.R. 493
  - Sch. 1, rr. 11(2), 12(1)(2): Cooper v. Weatherwise (Roofing & Walling) Ltd. [1993] I.C.R. 81
  - Sch. 1, r. 12(2)(*b*): First Castle Electronics Ltd. v. West [1989] I.C.R. 72
    J.M.C.C. Holdings Ltd. v. Conroy [1990] I.C.R. 179
    Bowater Plc. v. Charlwood [1991] I.C.R. 798
  - Sch. 1, r. 12(2)(*c*): Staffordshire County Council v. Barber [1996] I.C.R. 379
  - Sch. 1, r. 12(2)(*e*): O'Keefe v. Southampton City Council [1988] I.C.R. 419
    N. R. G. Victory Reinsurance Ltd. v. Alexander [1992] I.C.R. 675
  - Sch. 1, r. 12(2)(*f*): Evans v. Commissioner of Police of the Metropolis [1993] I.C.R. 151
  - Sch. 1, r. 14(1): Bradley v. Secretary of State for Employment [1989] I.C.R. 69
  - Sch. 2, r. 7A: Sheffield Metropolitan District Council v. Siberry [1989] I.C.R. 208
  - Sch. 2, rr. 7A, 8: Aldridge v. British Telecommunications Plc. [1989] I.C.R. 790
  - Sch. 2, rr. 7A, 8(1): Lloyds Bank Plc. v. Fox [1989] I.C.R. 80
  - Sch. 2, rr. 7A, 8(2E): Reed Packaging Ltd. v. Boozer [1988] I.C.R. 391
  - Sch. 2, r. 7A(1): Forex Neptune (Overseas) Ltd. v. Miller [1987] I.C.R. 170
  - Sch. 2, r. 12(2): Avon County Council v. Foxall [1989] I.C.R. 407
- **Insolvency Rules 1986** (S.I. 1986 No. 1925)
  - r. 4.90: Secretary of State for Employment v. Wilson [1997] I.C.R. 408
  - r. 9.5(2): MacMillan Inc. v. Bishopsgate Investment Trust Plc. (No. 2) [1993] I.C.R. 385
- **Iron and Steel (Compensation to Employees) Regulations 1968** (S.I. 1968 No. 1170)
  - reg. 5: British Steel Corpn. v. Chant [1974] I.C.R. 540
  - Sch., r. 9(1)(*e*): Berkeley Garage (Southampton) Ltd. v. Edmunds [1975] I.C.R. 228
- **Justice of the Peace Act 1949 (Compensation) Regulations 1978** (S.I. 1978 No. 1682)
  - reg. 3(1)(*b*)(as amended): Berkshire and Oxford Magistrates' Courts Committee v. Gannon [2000] I.C.R. 1003
- **Local Education Authority Awards Regulations 1979** (S.I. 1979, No. 889)
  - reg. 13(*a*): MacMahon v. Department of Education and Science [1983] I.C.R. 67
- **Local Government (Compensation) Regulations 1974** (S.I. 1974 No. 463)
  - reg. 4(1), Sch. 3: Walsh v. Rother District Council [1978] I.C.R. 1216
  - regs. 7(1)(*a*)(*d*), 11(1)(*a*): Mallett v. Restormel Borough Council [1977] I.C.R. 987; [1978] I.C.R. 725
  - regs. 7(1)(*f*), 11(1)(*e*), 39: Hereford and Worcester County Council v. Tolley [1976] I.C.R. 450
    Harper v. North-West Water Authority [1978] I.C.R. 844
- **Local Government Superannuation Regulations 1974** (S.I. 1974 No. 520)
  - regs. A3(1), B2(1): Suffolk County Council v. Secretary of State for the Environment [1984] I.C.R. 882
  - reg. 114: Secretary of State for the Environment v. Cumbria County Council [1983] I.C.R. 52
- **Manual Handling Operations Regulations 1992** (S.I. 1992 No. 2793)
  - reg. 4(1)(*b*): Swain v. Denso Marston Ltd. [2000] I.C.R. 1079
- **National Health Service (Charges for Drugs and Appliances) Regulations 1989** (S.I. 1989 No. 419)
  - reg. 6(1)(*c*): Reg. v. Secretary of State for Health, *Ex parte* Richardson (Case C-137/94) [1996] I.C.R. 471
- **National Health Service (Compensation) Regulations 1971** (S.I. 1971 No. 52)
  - regs. 2, 3, 4, 13(1): Showell v. Department of Health and Social Security [1976] I.C.R. 76
- **National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959** (S.I. 1959 No. 467)
  - reg. 37: Reg. v. Industrial Injuries Comr., *Ex parte* Langley [1976] I.C.R. 36
- **Operations at Unfenced Machinery Regulations 1938** (S.R. & O. 1938 No. 641)
  - reg. 5: Jayes v. I.M.I. (Kynoch) Ltd. [1985] I.C.R. 155
- **Personal and Occupational Pension Schemes (Miscellaneous Amendments) (No. 2) Regulations 1997** (S.I. 1997 No. 3038)
  - reg. 9: Westminster City Council v. Haywood (No. 2) [2000] I.C.R. 827
- **Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996** (S.I. 1996 No. 2475)
  - reg. 5: Westminster City Council v. Haywood (No. 2) [2000] I.C.R. 827
- **Police Federation Regulations 1969** (S.I. 1969 No. 1787)
  - reg. 4: Reg. v. Deputy Chief Constable of the North Wales Constabulary, *Ex parte* Hughes [1991] I.C.R. 180

Police Federation Regulations 1985 (S.I. 1985 No. 518)
reg. 27: Reg. v. Deputy Chief Constable of the North Wales Constabulary, *Ex parte* Hughes [1991] I.C.R. 180
Police Pensions Regulations 1987 (S.I. 1987 No. 257)
regs. A11, B4: Reg. v. Kellam, *Ex parte* South Wales Police Authority [2000] I.C.R. 632
regs. A12(2), K1(2): Reg. v. Sussex Police Authority, *Ex parte* Stewart [2000] I.C.R. 1122
Police Regulations 1995 (S.I. 1999 No. 215)
reg. 14(2) (as amended), 15(1): Reg. v. Chief Constable of Manchester Police, *Ex parte* Lainton [2000] I.C.R. 1324
Policing of Airports (Heathrow) (First Supplementary) Order 1974 (S.I. 1974 No. 1672)
art. 6: British Airports Authority v. Fenerty [1976] I.C.R. 361
Prison Rules 1964 (S.I. 1964 No. 388)
r. 84: Reg. v. Secretary of State for the Home Department, *Ex parte* Benwell [1984] I.C.R. 723
Reg. v. Secretary of State for the Home Department, *Ex parte* Broom [1985] I.C.R. 766
Protection of Eyes Regulations 1974 (S.I. 1974 No. 1681)
reg. 5, Sch. 1. para. 27: Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502
Provision and Use of Work Equipment Regulations 1992 (S.I. 1992 No. 2932)
reg. 6(1): Stark v. Post Office [2000] I.C.R. 1013
Race Relations (Questions and Replies) Order 1977 (S.I. 1977 No. 842)
art. 5(*b*): Williams v. Greater London Citizens Advice Bureaux Service [1989] I.C.R. 545
Redundancy Payments (Local Government) (Modification) Order 1983 (S.I. 1983 No. 1160)
Sch. 1, para. 4, Sch. 2 appendix. para. 5 (as amended): Liversidge v. London Residuary Body [1989] I.C.R. 228
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Redundancy Payments Pensions Regulations 1965 (S.I. 1965 No. 1932)
regs. 4(1), 5: Royal Ordnance Plc. v. Pilkington [1988] I.C.R. 606; [1989] I.C.R. 737
regs. 4(1), 5(1)(*a*): British Telecommunications Plc. v. Burwell [1986] I.C.R. 35
reg. 5(1)(*a*): Stowe-Woodward B.T.R. Ltd. v. Beynon [1978] I.C.R. 609
Safety Representatives and Safety Committees Regulations 1977 (S.I. 1977 No. 500)
regs. 2(1), 3(1): Costain Building & Civil Engineering Ltd. v. Smith [2000] I.C.R. 215
Sex Discrimination and Equal Pay (Remedies) Regulations 1993 (S.I. 1993 No. 2798)
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reg. 7: Ministry of Defence v. Cannock [1994] I.C.R. 918
reg. 7(1)(*c*): O'Flynn v. Adjudication Officer (Case C-237/94) [1998] I.C.R. 608
Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976 No. 1042 (N.I. 15))
art. 8: Finnegan v. Clowney Youth Training Programme Ltd. [1990] I.C.R. 462
art. 53(1)(2): Johnston v. Chief Constable of the Royal Constabulary (Case 222/84) [1987] I.C.R. 83
Social Fund Winter Fuel Payment Regulations 1998 (S.I. 1998 No. 19)
reg. 2 (5)(6): Reg. v. Secretary of State for Social Security, *Ex parte* Taylor (Case C-382/98) [2000] I.C.R. 843
Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984 No. 1303)
reg. 20(1): Johnson v. Chief Adjudication Officer (Case C-31/90) [1993] I.C.R. 204
Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975 (S.I. 1975 No. 564)
reg. 7(1)(*d*): Reg. v. National Insurance Comr., *Ex parte* Stratton [1979] I.C.R. 290
reg. 7(1)(*e*): Riley v. Chief Adjudication Officer [1988] I.C.R. 102
Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 (S.I. 1983 No. 1598)
reg. 7(1)(*e*): Chief Adjudication Officer v. Brunt [1988] I.C.R. 77
Statutory Maternity Pay (General) Regulations 1986 (S.I. 1986 No. 1960)
reg. 21(7)(as inserted): Alabaster v. Woolwich Plc. [2000] I.C.R. 1037
Steel Companies (Vesting) Order 1970 (S.I. 1970 No. 430)
art. 3: *In re* British Concrete Pipe Association's Agreement [1981] I.C.R. 421; [1983] I.C.R. 215
Supplementary Benefit (Conditions of Entitlement) Regulations 1981 (S.I. 1981 No. 1526)
reg. 9 (as amended): Chief Supplementary Benefit Officer v. Cunningham [1985] I.C.R. 660
Supplementary Benefit (Resources) Regulations 1981 (S.I. 1981 No. 1527)
regs. 9, 10: Chief Supplementary Benefit Officer v. Cunningham [1985] I.C.R. 660
Supply of Beer (Tied Estate) Order 1989 (S.I. 1989 No. 2390)
arts. 1(6)(*d*), 7(2): Plummer v. Tibsco Ltd. [2000] I.C.R. 509
Teachers' Superannuation (Consolidation) Regulations 1988 (S.I. 1988 No. 1652)
reg. E4(7): Teachers' Pensions Agency v. Hill [1999] I.C.R. 435

Trade Descriptions (Origin Marking) (Miscellaneous Goods) Order 1981 (S.I. 1981 No. 121)
art. 1: Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 207/83) [1985] I.C.R. 714

Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975 (S.I. 1975 No. 536)
reg. 8(1): Reg. v. Certification Officer, *Ex parte* Amalgamated Union of Engineering Workers (Engineering Section) [1983] I.C.R. 125

Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981 No. 1794)
Lassman v. Secretary of State for Trade and Industry [2000] I.C.R. 1109
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Governing Body of Clifton Middle School v. Askew [1997] I.C.R. 808
regs. 2(2), 3(1): Addison v. Denholm Ship Management (U.K.) Ltd. [1997] I.C.R. 770
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regs. 3, 5: Robert Seligman Corpn. v. Baker [1983] I.C.R. 770
Premier Motors (Medway) Ltd. v. Total Oil Great Britain Ltd. [1984] I.C.R. 58
regs. 3, 5(1)(3): Secretary of State for Employment v. Spence [1986] I.C.R. 181, 851
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Betts v. Brintel Helicopters Ltd. [1997] I.C.R. 792
ECM (Vehicle Delivery Service) Ltd. v. Cox [1998] I.C.R. 631; [1999] I.C.R. 1162
Whitewater Leisure Management Ltd. v. Barnes [2000] I.C.R. 1049
RCO Support Services Ltd. v. UNISON [2000] I.C.R. 1502
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reg. 5: Angus Jowett & Co. Ltd. v. National Union of Tailors and Garment Workers [1985] I.C.R. 646
Secretary of State for Employment v. Anchor Hotel (Kippford) Ltd. [1985] I.C.R. 724
Keabeech Ltd. v. Mulcahy [1985] I.C.R. 791
Kestongate Ltd. v. Miller [1986] I.C.R. 672
Macer v. Abafast Ltd. [1990] I.C.R. 234
Morris Angel & Son Ltd. v. Hollande [1993] I.C.R. 71
Justfern Ltd. v. Skaife D'Ingerthorpe [1994] I.C.R. 286
DJM International Ltd. v. Nicholas [1996] I.C.R. 214
Wilson v. St. Helens Borough Council [1996] I.C.R. 711
Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154
Credit Suisse First Boston (Europe) Ltd. v. Padiachy [1999] I.C.R. 569
reg. 5 (as amended): Humphreys v. University of Oxford [2000] I.C.R. 405
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regs. 5, 11: Credit Suisse First Boston (Europe) Ltd. v. Lister [1999] I.C.R. 794
reg. 5(1): Royal Ordnance Plc. v. Pilkington [1989] I.C.R. 737
Buchanan-Smith v. Schleicher & Co. International Ltd. [1996] I.C.R. 613
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Ibex Trading Co. Ltd. v. Walton [1994] I.C.R. 907
reg. 5(1)(2)(4A) (as amended): Secretary of State for Trade and Industry v. Cook [1997] I.C.R. 288
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regs. 5(2), 8(1)(2): Fenton v. Stablegold Ltd. [1986] I.C.R. 236

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regs. 5(2)(4B) (as inserted): P. & O. Property Holdings Ltd. v. Allen [1997] I.C.R. 436
Wheeler v. Patel [1987] I.C.R. 631
reg. 7: Walden Engineering Co. Ltd. v. Warrener [1993] I.C.R. 967
Adams v. Lancashire County Council [1996] I.C.R. 935; [1997] I.C.R. 834
reg. 8(1): Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867
M.R.S. Environmental Services Ltd. v. Marsh [1997] I.C.R. 995
Morris v. John Grose Ltd. [1998] I.C.R. 655
reg. 8(1)(2): Anderson v. Dalkeith Engineering Ltd. [1985] I.C.R. 66
McGrath v. Rank Leisure Ltd. [1985] I.C.R. 527
Crawford v. Swinton Insurance Brokers Ltd. [1990] I.C.R. 85
Warner v. Adnet Ltd. [1998] I.C.R. 1056
Whitehouse v. Chas A. Blatchford & Sons Ltd. [2000] I.C.R. 542
reg. 8(2): Berriman v. Delabole Slate Ltd. [1984] I.C.R. 636; [1985] I.C.R. 546
Gorictree Ltd. v. Jenkinson [1985] I.C.R. 51
regs. 10, 11: Banking Insurance and Finance Union v. Barclays Bank Plc. [1987] I.C.R. 495
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Unfair Dismissal (Variation of Qualifying Period) Order 1979 (S.I. 1979 No. 959)
arts. 2, 3: Capon v. Rees Motors [1980] I.C.R. 553
Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1969 (S.I. 1969 No. 655)
Sch., para. 27: Hodges v. Probert [1976] I.C.R. 95
Working Time Regulations 1998 (S.I. 1998 No. 1833)
reg. 4: Barber v. RJB Mining (UK) Ltd. [1999] I.C.R. 679

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Council Directive (64/221/E.E.C.)
- Procureur du Roi v. Royer (Case 48/75) [1977] I.C.R. 314

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- Procureur du Roi v. Royer (Case 48/75) [1977] I.C.R. 314

Council Directive (75/117/E.E.C.) (Equal Pay Directive)
- art. 1: O'Brien v. Sim-Chem Ltd. [1980] I.C.R. 429
  - Worringham v. Lloyds Bank Ltd. (Case 69/80) [1981] I.C.R. 558
  - Jenkins v. Kingsgate (Clothing Productions) Ltd. (Case 96/80) [1981] I.C.R. 592
  - Burton v. British Railways Board (Case 19/81) [1982] I.C.R. 329
  - Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case 61/81) [1982] I.C.R. 578
  - Rummler v. Dato-Druck G.m.b.H. (Case 237/85) [1987] I.C.R. 774
  - Pickstone v. Freemans Plc. [1987] I.C.R. 867; [1988] I.C.R. 697
  - Handels- og Kontorfunktionærenes Forbund i Danmark v. Dansk Arbejdsgiver-forening (Case 109/88) [1991] I.C.R. 74
  - Hill v. Revenue Comrs. (Case C-243/95) [1999] I.C.R. 48
  - Boyle v. Equal Opportunities Commission (Case C-411/96) [1999] I.C.R. 360
  - Angestelltenbetriebsrat der Wiener Gebietskrankenkasse v. Wiener Gebietskrankenkasse (Case C-309/97) [2000] I.C.R. 1134
- arts. 1, 3: Griffin v. London Pensions Fund Authority [1993] I.C.R. 564
  - British Coal Corpn. v. Smith [1993] I.C.R. 720; [1994] I.C.R. 810
  - Stadt Lengerich v. Helmig (Cases C-399, 409, 425/92 and C-34, 50, 78/93) [1996] I.C.R. 35
  - Specialarbejderforbundet i Danmark v. Dansk Industri (Case C-400/93) [1996] I.C.R. 51
  - Gillespie v. Northern Health and Social Services Board (Case C-342/93) [1996] I.C.R. 498
  - Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899: [1998] I.C.R. 227
  - Gerster v. Freistaat Bayern (Case C-1/95) [1998] I.C.R. 327
  - Grant v. South-West Trains Ltd. (Case C-249/96) [1998] I.C.R. 449
- art. 2: Levez v. T. H. Jennings (Harlow Pools) Ltd. [2000] I.C.R. 58
- arts. 2, 6: Levez v. T. H. Jennings (Harlow Pools) Ltd. (Case C-326/96) [1999] I.C.R. 521

Council Directive (75/129/E.E.C.)
- arts. 1, 2: Reg. v. British Coal Corpn., *Ex parte* Vardy [1993] I.C.R. 720
- arts. 1, 2, 3: Commission of the European Communities v. United Kingdom (Case C-383/92) [1994] I.C.R. 664
- art. 1(1)(a): Rockfon A/S v. Specialarbejderforbundeti Danmark (Case C-449/93) [1996] I.C.R. 673
- art. 2: Hough v. Leyland DAF Ltd. [1991] I.C.R. 696
  - Reg. v. Secretary of State for Trade and Industry, *Ex parte* UNISON [1996] I.C.R. 1003
  - Secretary of State for Employment v. Mann [1999] I.C.R. 898
- art. 2(1): *In re* Hartlebury Printers Ltd. [1992] I.C.R. 559

Council Directive (76/207/E.E.C.) (Equal Treatment Directive)
- arts. 1, 2, 5(1): Hoffmann v. Barmer Ersatzkasse (Case 184/83) [1985] I.C.R. 731
- art. 1(1): Hammersmith and Fulham London Borough Council v. Jesuthasan [1996] I.C.R. 991
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- **Vienna Convention on Diplomatic Relations** (1961) (Cmnd. 2565)
  - art. 1: Arab Republic of Egypt v. Gamal-Eldin [1996] I.C.R. 13
    - Ahmed v. Government of the Kingdom of Saudi Arabia [1996] I.C.R. 25

RECENT POINTS

Points of interest in the Employment Appeal Tribunal not calling for a full report in I.C.R.

[1998] I.C.R. Part 6

COMPENSATION

Having found that an employee had been unfairly dismissed but that he would more than likely have been fairly dismissed if the proper procedure had been followed and that he had refused an offer of alternative employment in a lesser position, an industrial tribunal awarded him £688, including £200 for loss of statutory rights.

Bell J., allowing an appeal by the employee, said that section 123(1) of the Employment Rights Act 1996 did not entitle a tribunal to pluck out of the air a figure which seemed just and equitable. The employee must be able to see how the figure of his compensation had been arrived at. If it was deciding that there was real prospect of a fair dismissal, it should say so, give some estimate of its view of the appropriate discount and go on to make appropriate calculations in accordance with the *Polkey* principles. Whether or not it condescended to a precise percentage or painted with a broader brush, it should make the basis of its calculation clear. The appeal would be allowed to the extent that the tribunal had failed to give sufficient reasons for the part of its award amounting to "a further £488 representing approximately two weeks' wages," and the matter referred back for a supplemental decision.

Gledhill v. G. & J. Spencer Plc.; 5 March 1998; EAT/893/97
E.A.T.: Bell J., Mrs. T. A. Marsland and Mr. J. C. Shrigley

COMPROMISE AGREEMENT

Under a compromise agreement, following the termination of his employment, an employee received compensation in full settlement of all claims against his employer arising out of his employment or its termination. An industrial tribunal considered whether section 203 of the Employment Rights Act 1996 applied and concluded that, whereas the agreement was effective to exclude the employee's right to claim unfair dismissal, it did not exclude a contractual claim for compensation in lieu of notice and accrued holiday pay.

Maurice Kay J., allowing an appeal by the employer, said that it was clear that section 203 of the Act of 1996 related to contracting out of statutory rights and had no application to the compromise of a contractual claim. Accordingly, the tribunal should have determined jurisdiction by reference to common law, rather than by reference to section 203. When the compromise agreement was so construed, there could be no doubt that its provisions had the effect of preventing the employee from pursuing his claim for breach of contract.

Streetscene Holdings Plc. v. Thorpe; 2 June 1998; EAT/1167/97
E.A.T.: Maurice Kay J., Miss C. Holroyd and Miss A. Maddocks

CONTRACT OF EMPLOYMENT

An industrial tribunal chairman held, in relation to a scheme whereby disabled persons were sponsored pursuant to a written agreement between themselves and a sponsor and their services hired out to a Civil Service department under a contract between the sponsor and the department, that, although the formal contractual position was that the sponsor was the employer for the purposes of an unfair dismissal claim, as a matter of reality the department was the employer.

Morison J., allowing an appeal by the department, said that the first issue was the extent to which the appeal tribunal might review a decision as to employment status. Where the question was whether an applicant was an employee or working under a contract for services, there would rarely be an issue as to whether the tribunal had identified the correct legal principles. The conclusion was one which, even if it technically involved an issue of law, was best left to the industrial jury and would provide limited room for challenge on appeal. Where, however, the interpretation of an admitted contract was involved, the scope for challenge would be greater. The correct approach was to start with the written contractual arrangements and ask whether they truly reflected the parties' intentions. If they did, the next question was whether the applicants were employed by the department or the sponsor, at the start of their employment; and, then, whether the position had changed and, if so, how and when. The tribunal had not answered the last question. On the findings of fact, the only conclusion was that the applicants were employed by the sponsor, not the department. The chairman would have benefited from informed help from experienced lay members.

Secretary of State for Education and Employment v. Bearman; 27 April 1998; EAT/1201/97
E.A.T.: Morison J., Mrs. R. Chapman and Mr. G. H. Wright

INDUSTRIAL TRIBUNAL

Following a finding of unfair dismissal, an industrial tribunal, anticipating the parties would agree compensation, ordered that, if the parties had not relisted the matter by a certain date, all further claims would be dismissed. The parties did not agree compensation but failed to notify the tribunal by the specified date and the employees' applications were dismissed. On a request by the employees, the tribunal allowed a review and went on to make awards.

Morison J., dismissing the employer's appeal, said that the power to grant a review under rule 11(1)(e) of the Industrial Tribunals Rules of Procedure 1993 was in very wide terms and needed to be exercised cautiously, because there was a public interest in the finality in litigation. But, on the facts, there was no doubt at all that the tribunal was entitled to exercise its discretion to hold a review. It was clear that the tribunal had intended that the employees should receive compensation, and the order made was designed to assist the parties rather than present them with some kind of judicial hurdle.

Joselyn v. Taylor; 7 May 1998; EAT/687/97
E.A.T.: Morison J., Mr. A. C. Blyghton and Mrs. M. E. Sunderland

MISCONDUCT

An employee, dismissed for gross misconduct in absenting himself without authority and dishonestly attempting to obtain payment for time not worked, complained that he had been unfairly dismissed. The industrial tribunal found that, though there was no evidence to substantiate the allegation of attempting to act dishonestly, they were satisfied that the other primary charge of being absent was justified and that dismissal was within the band of responses of a reasonable employer.

Kirkwood J., dismissing an appeal by the employee, said that it could not be accepted that absence without leave was in any sense a secondary and less important matter. It was manifestly of prime importance in a busy industrial workplace and carried with it by necessary inference the normal consequence of pay for a period in fact of absenteeism. The industrial tribunal had not erred in treating it as a primary offence: nor had they erred in concluding that the sanction of dismissal was within the band of responses of a reasonable employer, though they had information before them that in previous cases absence without leave had been coupled with a charge against other employees of some additional matter to do with claiming of wages.

Though no order would be made on an application by the employers for costs, the mere fact that a judge had allowed an appeal to proceed at the preliminary hearing was not to be regarded in any sense as a shield for an eventually unsuccessful appellant against an order for costs.

Smallwood v. Regional Railways North East; 15 January 1998; EAT/624/97
E.A.T.: Kirkwood J., Mr. A. C. Blyghton and Dr. D. Grieves

RACE DISCRIMINATION

A job applicant, who was not shortlisted, complained that he had been treated less favourably than two comparators on grounds of race. The industrial tribunal came to the conclusion that the respondents' shortlisting officers, when assessing the application forms, had declined to make assumptions in respect of a number of requirements in relation to the complainant where the reality was self-evident. The tribunal found that he had been treated less favourably than his comparators, but that the difference was due to too refined an application of the selection policy.

MAURICE KAY J., allowing an appeal by the applicant, said that the industrial tribunal erred when they stopped short of considering *why* a "too refined application" had been adopted in relation to the complainant but not in relation to the other applicants. If the tribunal had considered that question, given the difference in treatment and the racial difference, the drawing of the inference of racial discrimination would have been inevitable, though no one on behalf of the respondents intended deliberate discrimination. The appeal would be allowed and a finding of unlawful discrimination substituted.

Khan v. Nottingham City Council; 24 April 1998; EAT/1257/96
E.A.T.: Maurice Kay J., Mr. P. Dawson and Miss C. Holroyd

REDUNDANCY

A staff nurse who could not work other than her two existing night shifts was dismissed when her employer carried out a reorganisation that required staff nurses to be available to work both day and night shifts. An industrial tribunal found that she had been fairly dismissed for redundancy.

JUDGE PETER CLARK, allowing an appeal by the employer, said that there was no hard and fast rule that a change of hours of work would or would not give rise to a finding of redundancy. The question was whether there was a diminution or cessation in the requirement for employees to carry out work of a particular kind. If, on the facts, the effect of the reorganisation was to reduce the number of employees carrying out the work of staff nurse, that would give rise to a potential redundancy situation which might have caused the employee's dismissal. If a distinction was properly to be made between the work of a staff nurse on night duty and one on day shift and there was a diminution in the need for night staff nurses, that might also give rise to a potential redundancy dismissal. But, if all that had happened was that the requirement for staff nurses on both day and night shifts remained unaltered but that individuals might be assigned to either day or night work, rather than night work only, that would not of itself give rise to a redundancy situation. The tribunal had failed to ask the right question, and the matter would have to be reheard.

Sandwell Healthcare NHS Trust v. Lowe; 26 March 1998; EAT/1054/97
E.A.T.: Judge Peter Clark, Mr. P. Dawson and Mrs. J. M. Matthias

SEX DISCRIMINATION

An applicant complained, inter alia, of unlawful sex discrimination by her employers and four fellow employees. The industrial tribunal upheld only the complaint against one of the fellow employees relating to an incident when that employee, referring to a picture on the notice board of a grossly fat woman with her legs apart, said to the applicant "So this is what you do evenings and weekends then;" and awarded £50 compensation for injury to feelings against the employee personally.

JUDGE PETER CLARK, allowing an appeal by the applicant, said that the industrial tribunal found that the applicant had said that she did not want disciplinary action to be taken against the employee, merely that he should be told that she did not appreciate the remark being made, and that, in those circumstances, it was appropriate to award only "very nominal damages." That was a wholly erroneous estimate of the damage suffered. Against the background in authority, the award of £50 was wholly inappropriate. The applicant would be adequately compensated by an award of £750 and that would be substituted for the industrial tribunal's award.

Tullett v. Page Group; 7 May 1998; EAT/792/97
E.A.T.: Judge Peter Clark, Mr. J. R. Crosby and Ms B. Switzer

UNFAIR DISMISSAL

A postman was dismissed for wilfully delaying the mail, following disciplinary proceedings consisting of an inquiry (by L) and an appeal hearing (by G). Dismissing his complaint of unfair dismissal, the industrial tribunal found that the initial inquiry had been reasonable, and that, in any event, the appeal process would have been capable of remedying any shortcoming.

Bell J., on an appeal by the employee, said that the employee claimed that L had received a detailed memorandum from the employee's delivery manager which was not disclosed, had interviewed two witnesses but did not tell the employee what one had said and failed to disclose that the other witness had later said the note of his interview was wrong. It was also claimed that G had carried out extensive inquiries after the hearing and before giving her decision. Those criticisms were on the face substantial and merited reasoned adjudication by the industrial tribunal. In the absence of such adjudication, the appeal tribunal could not judge whether its approach was sound in law, and the matter must be remitted for rehearing. The appeal tribunal, however, rejected the employee's argument that disciplinary procedures which were reduced from a fair hearing and a fair appeal to one fair hearing on appeal could never be fair. There was no special weight to be attached to a procedural flaw being a breach of natural justice, though some breaches might be irremediable by the appeal procedures which were followed.

Welsh v. Post Office; 1 May 1998; EAT/1139/97
E.A.T.: Bell J., Lord Davies of Coity and Miss C. Holroyd

[1998] I.C.R. Part 7

COMPENSATION

Following a finding of constructive and unfair dismissal, an industrial tribunal, assessing the compensation payable to the employee, found that though he had immediately found new employment he had had a continuing weekly loss of £45.82 per week and that his new employer had gone into receivership and the employee had been unable to find further work. The industrial tribunal attributed all the employee's loss of earnings after losing his new job to his original unfair dismissal and made an award accordingly.

Bell J., remitting the matter for a reasoned decision on an appeal by the employer, said that, contrary to the employer's submission, the limited amount of the award for loss of statutory rights, £200, could not be intended to compensate for all the risks of future loss of earnings involved in being unfairly dismissed again in the future. But the express wording of section 123(1) of the Employment Rights Act 1996 required that the loss in question should fairly and sensibly be judged to have been caused by the unfair dismissal rather than some later event. Factors which might be important in deciding whether a new job had broken the chain of causation included: whether the job was a temporary measure taken to mitigate the employee's loss; how long a new job, whether temporary or permanent, had lasted; whether the new job was continuing at the time of the hearing, when it might be easier to find a break in causation than if it had ended; remuneration, as a job at a fraction of the pre-unfair dismissal wage might more easily been seen as a mere attempt at mitigation; and whether any particular circumstances in which the employee lost his new job, such as misconduct or disabling injury, had broken the chain of causation. There was no real indication in the industrial tribunal's decision that it had considered the question of whether the chain of causation had been broken, and the matter would be remitted for a reasoned decision on whether the complete loss of earnings after the new job ended was in consequence of the unfair dismissal.

Dawes Cycles Ltd. v. Sedgley; 12 March 1998; EAT/849/97
Bell J., Miss C. Holroyd and Mr. D. A. C. Lambert

DISABILITY DISCRIMINATION

An employee, who suffered from asthma and migraine and was dismissed on the ground of incapacity, complained that her employers had discriminated against her for a reason relating to disability. An industrial tribunal found that the employee did not have a disability within the meaning of section 1 of the Disability Discrimination Act 1995 in that the degree of impairment she suffered did not have a "substantial" adverse effect on her normal day-to-day activities. The employee appealed on the ground, inter alia, that the tribunal had not disregarded the medical treatment she received, as required by paragraph 6(1) of Schedule 1 to the Act and in accordance with the guidance on matters to be taken into account in determining questions relating to the definition of disability set out in paragraphs A11–13 of the Code of Practice: Disability Discrimination (1996).

JUDGE PETER CLARK, dismissing the appeal, said that the employers submitted that the tribunal had plainly had in mind the relevant guidance, in particular the requirement that treatment or corrective measures were to be disregarded; that there was no evidence of the extent to which the employee would suffer an adverse effect on her day-to-day activities in the absence of medication; and that the tribunal had to view the overall picture and reach a conclusion. The appeal tribunal accepted those submissions. Disability discrimination was a new field which would require tribunals to decide medical questions, often without the degree of expert evidence found in the personal injury field. The guidance provided in the Code of Practice by way of examples was of assistance but would rarely provide the definitive answer on the facts of any particular case. In determining whether the adverse effect of the employee's impairment was substantial, the tribunal had taken into account her own evidence, the factual medical report of her general practitioner describing her condition and the medication prescribed and the opinion of the employers' occupational health physician, and had reached a conclusion which could not be said to be perverse.

Foster v. Hampshire Fire & Rescue Service; 23 June 1998; EAT/1303/97
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mr. J. A. Scouller

DISCRIMINATORY ACT

On an employee's complaint of race discrimination against her employer, alleging a number of incidents relating to the attitude of colleagues, failure to deal with complaints swiftly and non-promotion, only one of which was within the three-month time limit for making a complaint, an industrial tribunal found that the series of events did not lead to an inference of discrimination, that it was not appropriate to extend time and that the allegation within time was not made out.

KIRKWOOD J., dismissing an appeal by the employee, said that the industrial tribunal had properly considered the distinction between a continuing act and an act which had continuing consequences. A succession or series of separate acts could lead to the inference of a continuing practice or regime of discrimination. Whether on the facts of a particular case such an inference could or should be drawn was a matter for the industrial tribunal hearing the evidence. If it held against drawing such an inference, there was no continuing act and two questions remained about the older events. One was whether the three-month time limit for complaint should be extended, the other was whether, even if no such extension was given, those events cast light on the alleged discrimination that was in time and in issue. The industrial tribunal found that no inference of a continuing regime of discrimination could be made and the appeal tribunal would not interfere with that. The industrial tribunal had not erred in law.

Dagogo v. Hampshire County Council; 4 June 1998; EAT/1358/97
E.A.T.: Kirkwood J., Mr. D. J. Jenkins and Mr. B. M. Warman

EMPLOYEE

An applicant who complained that she had been unfairly dismissed owned one-third of the shares in and jointly ran the respondent company. An industrial tribunal, considering whether she was an "employee," found that she had received a salary and paid tax and national insurance on an employee basis but was effectively her own boss, jointly managing the business and taking strategic decisions at board meetings. The tribunal held that she was not an employee and dismissed her complaint.

MORISON J., allowing an appeal by the applicant and remitting the case, said that whether someone was an employee or worked under a contract for services was a question of fact for the tribunal. But a tribunal had to be careful when approaching the issue of whether a shareholder was also an employee not to fall into the trap of assuming that what was said in cases involving persons with a majority shareholding would necessarily be of great assistance. There was nothing incompatible with an employment relationship in a person being a director and a person being a shareholder. Such a person might be an employee or not. Specific questions might include whether the applicant's salary was determined by a board of directors—indicating that control was exercised by the board; whether the salary was commensurate with her responsibilities—indicating whether she was drawing a significant proportion of her salary as an employee rather than a shareholder; whether she was listed as an employee in the company wages book; and whether the applicant and the other two shareholders observed a formal company structure.

Pemberton v. Claimstart Ltd.; 15 May 1998; EAT/1093/97
E.A.T.: Morison J., Mrs. T. A. Marsland and Mr. J. C. Shrigley

PROCEDURE

In proceedings in which an applicant complained, inter alia, that he had been discriminated against by the respondent association on grounds of disability, in that, inter alia, they had improperly concealed from him counsel's advice obtained on his behalf, an industrial tribunal chairman rejected the applicant's application for discovery of internal memoranda referred to in the instructions to counsel. The chairman's order, together with a number of other interlocutory orders, was set out in a letter signed by an administrative officer which did not identify the chairman.

Morison J., on appeal by the applicant, said that it was a matter of some importance that the chairman's decision had not identified her or been signed by her. It was a judicial decision, and it was not satisfactory that an order made by a judge should be contained in a letter sent by an administrator unsigned by the judge. In future all judicial orders made by industrial tribunal chairmen, whether of an interlocutory nature or otherwise, should identify and be signed by the chairman.

Though the applicant might be entitled, as of right, to see the documents in question, the issue was whether they were to be disclosed through the discovery process, which raised the question of whether they were relevant to the issues in the proceedings. Because the applicant was only complaining, in relation to counsel's opinion, about the improper concealment of it, the documents were not so relevant, and, having looked at them, the appeal tribunal was unable to detect anything likely to be of assistance to the applicant.

Ilangaratne v. British Medical Association; 14 May 1998; EAT/508/98
E.A.T.: Morison J., Mr. D. Chadwick and Mr. R. Sanderson

REINSTATEMENT

Following a finding of unfair dismissal, an industrial tribunal made a reinstatement order on the ground that the employers had not satisfied the tribunal that it was impracticable to reinstate the employee, since the reorganisation on which the employers relied to show that no jobs were available had not been concluded. The employers did not comply with the reinstatement order, and, at a further hearing, the tribunal made an additional award of compensation under section 117(3)(*b*) of the Employment Rights Act 1993, regarding as irrelevant the fact that the reorganisation had by then been completed and there was no job for the employee.

Judge Peter Clark, allowing an appeal by the employers, said that the industrial tribunal had placed too high a burden of proof on the employers at the first stage, when the order for reinstatement was made. It was only at the second stage, where an order for reinstatement had not been complied with, that the onus lay on employers to satisfy the tribunal that it was not practicable to comply with the order. The industrial tribunal had also misdirected itself in finding that, at the second stage, the employers could not rely on facts which had occurred after the date of the reinstatement order. The tribunal's determination at the first stage was provisional, not final, and did not preclude the employers from relying at the second stage on facts which had occurred after the order was made.

Thamesdown Borough Council v. Turrell; 23 June 1998; EAT/459/97
E.A.T.: Judge Peter Clark, Mr. D. J. Jenkins and Mr. J. A. Scouller

SEX DISCRIMINATION

On complaints of sex discrimination made by two female employees against their employer, an industrial tribunal rejected their evidence of regular remarks being made to them by the employer of a sexual nature and, though the tribunal found that three incidents of kissing had occurred in which it was not appropriate or advisable for the employer to have acted as he had, the tribunal found that the employees had not made out their claims.

LINDSAY J., dismissing an appeal by the employees, said that events could plainly be inappropriate or inadvisable without their necessarily amounting to a detriment within section 6(2) of the Sex Discrimination Act 1975. Industrial tribunals were alive to the distaste or revulsion that might be occasioned even by an attempt at a light peck or kiss. But, they were entitled, within their role as a jury of sensible and experienced folk, to conclude that, notwithstanding some treatment less favourable than would be accorded to a man, there was no detriment suffered and thus, though there was discrimination, there was no unlawful sex discrimination. In the instant case there was no finding of detriment, and the appeal tribunal could not conclude that the industrial tribunal could have concluded only that there had been detriment. But neither the conclusion of the industrial tribunal nor anything added by the appeal tribunal was any form of condonation, or licence, to any practice of kissing between employer and employee. Even a light peck could be such as to amount to a detriment, but there did need to be a finding of detriment.

Whitley v. Thompson; 14 May 1998; EAT/1169/97
E.A.T.: Lindsay J., Dr. D. Grieves and Mrs. M. Prosser

STRIKING OUT ORDER

An industrial tribunal chairman made an order pursuant to rule 4(1)(*a*) of the Industrial Tribunals Rules of Procedure 1993 requiring the applicant to give further particulars of her originating application with the warning that failure to comply might result in the claim being struck out. The applicant did not provide the particulars and, at a hearing which she attended, was given an opportunity to show cause why a striking out order should not be made, though she had received no prior warning that she would have to do so, and was given further time to comply. After the expiry of that further period, a striking out order was made without any further notice or hearing.

LINDSAY J., allowing an appeal by the applicant, said that the proviso to rule 4(7) of the Rules of 1993, that a tribunal "shall not" strike out an originating application or notice of appearance for failure to comply with a requirement unless it had sent prior notice to the party giving him an opportunity to show cause why the tribunal should not do so, was mandatory and, under rule 20(1), the notice had to be in writing. There was no general power to waive compliance with the strict requirements of rule 4(7). The object of the notice to show cause procedure was so that the party who received it could arm himself against the coming trouble. Simply to give an opportunity without the warning was not what was required. There had been no notice to show cause relative to the first order and no notice relative to the order made following the oral hearing. Without such notice, the striking out order could not properly have been made.

Chambers v. Lambeth London Borough Council; 19 May 1998; EAT/819/97
E.A.T.: Lindsay J., Ms S. R. Corby and Mr. K. M. Hack

TIME LIMIT

An employee, who was dismissed on 10 April 1997 and appealed, was made an offer of re-engagement by her employers from 7 July. After she had accepted it, the employers withdrew the offer. On 7 August, after the expiry of the three-month time limit for presenting a complaint, prescribed by section 111(2) of the Employment Rights Act 1996, the employee made a complaint that she had been unfairly dismissed. An industrial tribunal, on a preliminary issue as to jurisdiction, found that it had not been practicable for the complaint to have been presented in time, given that, though the employee had known of her right to bring a claim, the reason she had not exercised that right was that she had been offered re-engagement.

Judge Levy Q.C., dismissing an appeal by the employers, said that there was no question but that the employee knew of her rights; the question was: did she have just cause or excuse for not presenting the complaint within the prescribed time? In *Palmer v. Southend-on-Sea Borough Council* [1984] I.C.R. 372 the general approach to the phrase "not reasonably practicable" was suggested to be to consider whether there was some impediment which reasonably prevented, interfered with or inhibited the presentation of a complaint. The industrial tribunal considered as special the facts that up to the time of her final appeal being resolved in a manner which the employee thought was in her favour she had intended to exercise her right to make a complaint and that she had been inhibited from making the complaint because she had a belief, mistaken in the event, that she had a replacement job. In those circumstances the tribunal was entitled to find special facts and to use its common sense to come to the decision it did. The decision was not perverse and the appeal tribunal was not entitled to interfere.

London Underground Ltd. v. Noel; 13 May 1998; EAT/1351/97
E.A.T.: Judge Levy Q.C., Mr. P. Dawson and Mr. T. C. Thomas

[1998] I.C.R. Part 8

AMENDMENT

After presenting a complaint of sexual harassment, in which she alleged that she gave in her notice following unpleasantness by fellow employees after she protested about a pornographic video being played in the staff restaurant, the applicant obtained help with her complaint from a law centre. She then wrote to the industrial tribunal saying that she would like to amend her application to add a complaint of constructive dismissal. The chairman of the industrial tribunal refused leave to amend on the ground that it was a new complaint and was out of time.

Kirkwood J., allowing an interlocutory appeal by the applicant, said that it was clear that the originating application itself was within time; that all the material facts were pleaded in the originating application; and that within a short period of lodging her application the applicant took advice as a result of which she at once asked to amend on the basis that the facts alleged disclosed a case of unfair constructive dismissal. A relevant question for the industrial tribunal was what risk of hardship or injustice would arise to the employers if the amendment was made and how that should be balanced with any risk of hardship or injustice to the applicant if it was not. It was quite clear that refusing leave to amend would lead to a substantial risk of injustice to the applicant, and granting leave would not expose the employers to hardship and injustice beyond exposing them to the risk of a decision and remedy against them in respect of unfair constructive dismissal.

Beezley v. Post Office and Another; 9 July 1998; EAT/612/98
E.A.T.: Kirkwood J., Mrs. E. Hart and Mrs. R. A. Vickers

BREACH OF CONTRACT

An industrial tribunal dismissed an employee's breach of contract claim on the ground that it was out of time and that it was reasonably practicable for it to have been presented within time, but held that it had jurisdiction to hear the employer's counterclaim made within the required period of six weeks of service of the employee's originating application.

Judge Hull Q.C., dismissing an appeal by the employee, said that the question was whether the cross-claim was wholly dependent on the employee's claim. If the employee's claim was settled or withdrawn must the employer's claim automatically fail? Was it to be regarded as merely parasitical? Such an implication was not supported by anything in the Industrial Tribunals Act 1996 or the Industrial Tribunals Extension of Jurisdiction (England and Wales) Order 1994, under which industrial tribunals were given jurisdiction to hear contract claims. It would be thoroughly unsatisfactory if the appeal tribunal were to say that it was implicit that, where an employee's contract claim failed or was withdrawn, any counterclaim by the employer should fail as well.

Patel v. RCMS Ltd.; 13 July 1998; EAT/152/98
E.A.T.: Judge Hull Q.C., Mr. J. A. Scouller and Mr. G. H. Wright

COSTS

An industrial tribunal dismissed a complaint of race discrimination and made an award of costs in the respondent's favour to be taxed on county court scale 2 on an indemnity basis. The applicant appealed on the ground that the industrial tribunal had no power to order costs to be paid on an indemnity basis.

KIRKWOOD J., allowing the appeal, said that rule 12(6) of the Industrial Tribunals Rules of Procedure 1993 provided for an industrial tribunal to make directions as to the county court scale on which costs were to be taxed, but not for the basis on which they were to be taxed. It was probable that a tribunal did have a discretion to specify an indemnity basis, but it should give clear reasons for departing from the usual standard basis order. The tribunal in the present case had failed to do so.

Tiyamiyu v. Hackney London Borough Council; 29 July 1998; EAT/939/97
E.A.T.: Kirkwood J., Mr. D. A. C. Lambert and Mrs. M. E. Sunderland

DISABILITY DISCRIMINATION

An applicant for a job, who suffered from epilepsy and was sensitive to certain lighting, complained that she had been unlawfully discriminated against, contrary to section 5(2) of the Disability Discrimination Act 1995, because the respondents made no special arrangements with regard to the lighting when they interviewed her. An industrial tribunal dismissed the complaint, holding that the applicant could have been more forthcoming about what she required and that the respondents were not in breach of any duty imposed under section 6 of the Act.

MORISON J., dismissing an appeal by the applicant, said that the industrial tribunal were entitled to reach the conclusion they had, but were to be criticised for not making any specific reference to the Code of Practice: Disability Discrimination (1996) issued pursuant to the Act of 1995. It was important that tribunals should always refer to the relevant provisions of the Code, as they were required to do under section 53 of the Act. The Code would help tribunals in resolving questions at issue, since it set out the standards to be expected in relatively straightforward language.

Ridout v. T. C. Group; 13 July 1998; EAT/1371/97
E.A.T.: Morison J., Mr. J. R. Crosby and Lord Davies of Coity

HEALTH AND SAFETY

A chef who claimed to have left his employment because he thought that food he was instructed to serve to members of the public was not properly defrosted and, accordingly, unfit for human consumption, complained, inter alia, of unfair dismissal for an inadmissible reason, namely, taking "appropriate steps to protect himself or other persons from . . danger" within the meaning of section 100(1)(*e*) of the Employment Rights Act 1996. The industrial tribunal dismissed the complaint on the ground that "other persons" in section 100(1)(*e*) related to fellow employees and did not extend to members of the public.

JUDGE PETER CLARK, allowing the appeal and remitting the case, said that neither the framework Directive on health and safety (89/391/E.E.C.) nor section 100(1)(*e*) of the Act of 1996 sought to limit the class of persons at risk of danger to those persons employed by the employer. In the absence of such limitation, the expression "other persons" in section 100(1)(*e*) did extend to members of the public.

Masiak v. City Restaurants (UK) Ltd.; 29 June 1998; EAT/683/97
E.A.T.: Judge Peter Clark, Mr. P. Dawson and Mrs. J. M. Matthias

PRACTICE

Three days into the hearing of an employee's complaint of action short of dismissal on grounds related to union membership or activities, the industrial tribunal was asked to rule on the admissibility of additional evidence which the employee sought to adduce. The tribunal decided to hear the evidence, and the employers brought an interlocutory appeal against the ruling.

Morison J., dismissing the appeal, said that it was rare for the appeal tribunal to interfere with the discretion of a chairman to admit or to refuse to admit relevant evidence. Furthermore, it was undesirable in principle for the appeal tribunal to interfere in the course of a hearing before the industrial tribunal had come to a conclusion. However, before the hearing was resumed, it was essential for the industrial tribunal to take steps for the future conduct of the case, which was in danger of running out of control. First, the issues should be properly identified. In relation to the first issue—whether action short of dismissal was taken and, if so, what it was—the employee relied on 11 actions, and the employers should be called on to produce a written response to each. The second and third issues were whether action was taken against the applicant as an individual and, if so, what its purpose was. The question as to purpose was one in which the burden of proof was on the employers. Because it was unlikely that the first two issues would involve substantial factual dispute and that the burden of dispute would relate to the third issue, if that was reached, in relation to the third issue the employers should give their evidence first. Witness statements should be exchanged, with the evidence confined to those witnesses, and the case listed on the assumption that the tribunal would read the written material presented, so that the witnesses' evidence could be taken as read.

Benefits Agency v. Ford; 2 July 1998; EAT/759/98
E.A.T.: Morison J., Mrs. T. A. Marsland and Mr. R. N. Straker

PRACTICE

At the end of the first day's hearing of a complaint of unfair dismissal, the chairman and members of an industrial tribunal indicated their provisional view of the case to counsel for the parties in the hope that the case might be settled. The hearing continued and the complaint was dismissed.

Judge Hull Q.C., dismissing an appeal by the applicant, said that it had been contended that the decision of the industrial tribunal was inconsistent with the provisional view taken at the end of the first day. Though it might be unwise for any tribunal to see counsel in such circumstances, even with the motive of trying to help the parties, such conversations were intended to be an honest explanation of the tribunal's state of mind and must not be relied on later to criticise their ultimate decision. They did not bar the tribunal from reversing their preliminary view.

Thompson v. Norwich Union Life and Pensions Ltd.; 16 June 1998; EAT/117/98
E.A.T.: Judge Hull Q.C., Mr. P. A. L. Parker and Ms D. Warwick

TIME LIMIT

A complaint by an employee that she had been discriminated against on the grounds of race in relation to several promotion opportunities was presented within the three-month time limit of the last act complained of but more than three months after the other acts. An industrial tribunal chairman sitting alone considered the matter as a preliminary issue and ruled that it would not be just and equitable to extend time in relation to the earlier acts.

Morison J., allowing an appeal by the employee, said that it was not appropriate for the chairman to have determined the matter on a preliminary hearing. Where there was a complaint which fell within the jurisdiction of the industrial tribunal and a question arose as to whether earlier complaints which were out of time also gave rise to a cause of action or were merely evidence which could be of assistance in determining the principal issue, that question was best answered after the whole of the evidence had been heard by the full tribunal.

Court v. Gloucestershire Royal N.H.S. Trust; 20 July 1998; EAT/599/98
E.A.T.: Morison J., Mr. R. Jackson and Miss D. Whittingham

UNFAIR DISMISSAL

Following a disciplinary hearing relating to misconduct, an employee was dimissed when he refused to accept a different job. On his complaint of unfair dismissal, an industrial tribunal rejected his contention that the reason or principal reason for his dismissal related to his conduct and accepted the employers' evidence that it was for some other substantial reason, namely, that the efficient management of the business required that the employee be transferred. The tribunal found that the dismissal was fair.

Judge Peter Clark, dismissing an appeal by the employee, said that the appeal tribunal had to ask how the industrial tribunal should have approached the task of finding the reason for the dismissal and whether the tribunal had reached a permissible finding in law. In *Abernethy v. Mott, Hay and Anderson* [1974] I.C.R. 323, 330 Cairns L.J. said that a reason for the dismissal of an employee was a set of facts known to the employer, or a set of beliefs held by him, which caused him to dismiss the employee. It was for the industrial tribunal, as the tribunal of fact, to assess the evidence of the dismissing manager and to discern in the light of the surrounding circumstances whether the reason put forward by him was the genuine reason for the dismissal. The tribunal's decision could not be said to be so plainly wrong that it was perverse.

Farrer v. Amari Plastics Plc.; 19 May 1998; EAT/205/97
E.A.T.: Judge Peter Clark, Miss C. Holroyd and Mr. D. A. C. Lambert

[1998] I.C.R. Part 9

DISCRIMINATION

A male Punjabi interpreter complained of discrimination on the ground of sex in that in the 18 months he had been on a council's list of interpreters he had never been called on. The industrial tribunal, one of whose members was a Sikh, rejected the council's explanation that there was a genuine occupational qualification in that in the Punjabi Muslim community it was preferable for interpreters to be women.

Judge Hull Q.C., allowing an appeal by the council and remitting the case, said that the industrial tribunal had been incorrect to say that, when deciding whether to draw an inference of discrimination, they would be less likely to do so if the explanation put forward by a respondent was a satisfactory one. If a satisfactory explanation was given, the tribunal were not to draw an inference of unlawful discrimination. Further, in rejecting the council's explanation, the tribunal had rejected the evidence of witnesses of skill and wide experience without explaining why. It was evidence that should have been given considerable weight, and reasons should have been given for its rejection. The tribunal said that they were assisted in their view by their Sikh member, but they did not explain to the parties, when they were before them, the part which that member might play in arriving at their decision. That, coupled with the other criticisms, made the decision unsafe.

Buckinghamshire County Council v. Ahmed; 18 June 1998; EAT/124/98
E.A.T.: Judge Hull Q.C., Mr. R. N. Straker and Ms B. Switzer

EXTENSION OF TIME

Following the dismissal of his complaint of unfair dismissal on the ground that it was out of time, the appeal tribunal granted the applicant leave to proceed with an appeal and notified the respondent employers of the date by which they had to deliver an answer if they wished to resist the appeal. The employers were two days late in delivering an answer, but were then granted an extension of time by the registrar. At the hearing of the appeal, the applicant objected to the order extending time and applied to have the answer struck out.

Judge Hull Q.C., dismissing the application, said that the applicant complained that it was unjust to extend time for the employers' answer when they were alleging that the originating application was out of time. There were several points to be made. First, the time limit for presenting the originating application was three months, instead of 10 or 14 days for the answer. Further, the time limit for the originating application was the imperative language of statute and a very different provision from the appeal tribunal rule relating to the answer. That reflected the reality applied by the courts under the Limitation Acts. If somebody wanted to begin proceedings by issuing a writ or to initiate an appeal, the time limit was strictly applied. But when it came to the procedure with regard to other steps in the litigation, it was common practice for the courts to make short extensions. The main consideration was whether there would be any prejudice to the other side. The tribunal were all satisfied that the registrar's order should stand.

Newton v. Vauxhall Motors Ltd.; 30 July 1998; EAT/83/98
E.A.T.: Judge Hull Q.C., Mr. K. M. Hack and Mr. D. A. C. Lambert

PRACTICE

Following a directions hearing, the industrial tribunal sent the parties a letter "to record . . . rulings given by the chairman" which set out, inter alia, items in respect of which there was to be discovery. The respondents were "to let the applicant have copies of the relevant documents not later than Christmas 1997." At a further directions hearing in April 1998 the applicant complained to the industrial tribunal that discovery had not been satisfactorily completed, but the chairman took the view that no "order" for discovery had been made since no penal sanction was attached to the directions set out in the letter.

KIRKWOOD J., allowing an interlocutory appeal by the applicant, said that the letter following the first directions hearing appeared to be in mandatory terms and seemed to fall precisely within rule 4(1) of the Industrial Tribunals Rules of Procedure 1993. Rule 4(7) did not amount to a mandatory requirement that an order under rule 4(1)(*b*) should be endorsed with a caution as to consequences of non compliance; rather, it provided that there could be no striking out or the like without notice first being given that the tribunal was minded to take such a course, but such notice could follow at a later date. In all respects, subject to the absence of a penal notice under rule 4(6), the directions given, and reflected in the letter, complied with rule 4. The chairman was wrong to hold that there had not been an order for discovery. The proper course in April 1998 would have been to explore the extent to which the directions had not been complied with and to make provision to ensure the proper compliance with any outstanding matters.

Olusanya v. Hackney London Borough Council; 9 July 1998; EAT/625/98
E.A.T.: Kirkwood J., Mrs. E. Hart and Mrs. R. A. Vickers

REDUNDANCY

An employee, who at her own request had been given several reductions in her hours of work, was dismissed when her employers needed someone to do her job full-time. An industrial tribunal chairman held that she had been dismissed for redundancy within the meaning of section 139(1)(*b*)(i) of the Employment Rights Act 1996 and that the dismissal was fair.

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the appeal tribunal was bound by the principle in *Johnson v. Nottinghamshire Combined Police Authority* [1974] I.C.R. 170 to conclude that there was no diminution in the requirement for employees to carry out work of the particular kind carried out by the employee and that, accordingly, the dismissal was not by reason of redundancy. But, on a fair reading of the chairman's reasons, he would have held, in the alternative, that the dismissal was for some other substantial reason, namely reorganisation, and was fair, and that finding was plainly and unarguably right. As in the present case, an employee might lose her job through a reorganisation and not be entitled to a redundancy payment because the definition of redundancy was not met. Such cases could affect in particular an employee with several years of continuous employment who worked less than full-time. The incidence of part-time work was now substantially greater than was the case when the statutory provisions were first enacted. The lay members wished the matter to be drawn to the attention of the Secretary of State so that the position could be reconsidered when the redundancy payment legislation was next under review.

Barnes v. Gilmartin Associates; 29 July 1998; EAT/825/97
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mr. J. A. Scouller

REINSTATEMENT

An employee who had been unfairly dismissed by his employers was ordered to be reinstated in accordance with section 114(1) of the Employment Rights Act 1996. The employers offered him a different job, but one which he could be required to do under the terms of his employment. The applicant refused to accept the job and successfully applied to an industrial tribunal for an additional award of compensation under section 117(3) of the Act.

LINDSAY J., dismissing an appeal by the employers, said that the employers argued that it was sufficient to comply with an order for reinstatement if an employee was restored to the contractual terms and conditions that would have applied to him had he not been dismissed. That was not enough. Though plainly a factor in determining whether the employee was being treated "in all respects" as if he had not been dismissed, the legislation did not say that nothing more than a restoration of contractual terms was all that was required. The job duties should be broadly as they would have been had there been no dismissal. To require reinstatement to go beyond restoration of the mere terms and conditions did not represent some restriction in the employer's rights or some enlargement of the rights of the employee.

Filt-Air Engineering Ltd. v. Wilkinson; 19 May 1998; EAT/807/97
E.A.T.: Lindsay J., Ms S. R. Corby and Mr. K. M. Hack

STRIKING OUT

At a hearing for directions, pursuant to rule 16 of the Industrial Tribunals Rules of Procedure 1993, an industrial tribunal chairman made an order for further and better particulars of the applicant's complaint of unlawful sex discrimination. At a further hearing the chairman considered what orders for discovery should be made on the basis of the particulars supplied and disallowed part of those particulars as being irrelevant to the claim, thereby preventing evidence being adduced on those matters.

SMITH J., allowing an appeal by the applicant, said that the issue was whether a chairman had power to narrow the issues under a general power to give directions. Care had to be taken not to overstep the line between case management and striking out part of the case. The latter could only be done according to the Rules. Rule 16 of the Rules of 1993 gave the tribunal power to give directions, while rule 13(2)(*d*) gave the power to strike out or amend an originating application or anything in it on the ground that it was scandalous, frivolous or vexatious. If a chairman was faced with allegations which were irrelevant to the claim, he might consider striking them out as frivolous, but should first give the party affected the chance to justify their inclusion. If he concluded that they were irrelevant, he could strike them out, but should make it plain that he was exercising his power to strike out and not merely exercising a general power to give directions. The chairman had erred in holding matters to be irrelevant, and the applicant would be allowed to give evidence on the issues disallowed.

Hambly v. Rathbone Community Industry Ltd.; 6 October 1998; EAT/746/98
E.A.T.: Smith J., Mr. L. D. Cowan and Lord Gladwin of Clee

SUMMARY DISMISSAL

An employee was summarily dismissed for a job that was badly done, after working for his employers for six years with only one complaint two years earlier. On the employee's complaint alleging unfair dismissal and breach of contract, the industrial tribunal found that there were procedural failings in the way the employers had dismissed the employee, but that a reasonable employer could properly have concluded that it was unsafe to continue the employment of someone responsible for such shoddy work.

JUDGE HULL Q.C., allowing an appeal by the employee and remitting the case for rehearing, said that, when it came to dismissing an employee, an employer must first give the employee an opportunity to answer the allegations against him, except in, very extreme, cases where it was simply not practicable or where the facts spoke so loudly for themselves there could be no possible point. It must be a fair hearing. The employee must be asked whether he had any explanation, and the employer must fairly consider what the employee said. It was expected that the industrial tribunal would say if those safeguards had not been undertaken and to say, if they felt that all was perfectly fair none the less, why they reached such a conclusion. There was nothing of that in the present decision. As for breach of contract, no employer must dismiss an employee summarily unless there had been a breach by the employee which went to the root of the contract, showing that the employee was unable to comply with the contract for the future, or was not prepared to, or had by his behaviour destroyed any faith the employer could have in him. It must be exceptional to reach such a conclusion in the circumstances of a piece of bad work when the work before had always been satisfactory. It was to be expected that the tribunal would require an employer to explain how that could only be dealt with by dismissal, if the employer had made no inquiry of the employee. The tribunal may have carried out their duties perfectly satisfactorily, but they had not completed their task as far as giving their reasons.

Meiszner v. Hart Timber Preservation Ltd.; 9 July 1998; EAT/691/97
E.A.T.: Judge Hull Q.C., Mr. I. Ezekiel and Mrs. T. A. Marsland

UNFAIR DISMISSAL

Following a disciplinary hearing and two appeals, an employee was dismissed for gross misconduct. An industrial tribunal found that the initial disciplinary hearing had been unfair in that the employee had been denied access to a key document, but that any injustice had been cured by the appeals and they dismissed his complaint of unfair dismissal.

MORISON J., dismissing an appeal by the employee, said that tribunals should have regard to the language of section 98(4) of the Employment Rights Act 1996 in every case. That could not be in wider terms. When an industrial tribunal was considering a complaint of unfair dismissal, where an employee had exercised his contractual right of appeal, the tribunal should have regard to the overall process of the termination of the contract of employment. In some circumstances unfairness at the original dismissal stage might be corrected or cured as a result of an appellate process. It would depend on the nature of the unfairness at the first stage, the nature of the appeal at the second stage and the equity and substantial merits of the case. It might be difficult to categorise an appellate process as being either a rehearing or a review or a mixture of the two. Whether the procedural defect had been corrected by the appellate process was a question of fact for the tribunal, and it was entitled to conclude that the decision to dismiss was fair.

Adivihalli v. Export Credits Guarantee Department; 27 March 1998; EAT/917/97
E.A.T.: Morison J., Lord Gladwin of Clee and Mr. J. C. Shrigley

[1998] I.C.R. Part 10

COMPENSATION

An industrial tribunal upheld an employee's claim of sex discrimination, when she was dismissed following a disciplinary hearing which had been held when she was absent because of a pregnancy-related illness. She was awarded compensation for financial loss on the basis that a reasonable employer would have waited for the employee to return from maternity leave before holding the disciplinary hearing; that, on the evidence at the hearing, the employer would have found it difficult to say where the truth lay, and that, on that basis, it was impossible to say that she would have lost her job in any event.

JUDGE PETER CLARK, dismissing the employers' appeal against the finding of discrimination but allowing their appeal against the award of compensation, said that the tribunal had been entitled to find that the employee had suffered a detriment for a pregnancy-related reason in being dismissed subsequent to a disciplinary hearing which she was incapable of attending by reason of a condition that was inextricably linked with her pregnancy. The tribunal had correctly directed itself that, in assessing loss of earnings flowing from the dismissal, the question was: what were the chances that she would have been dismissed in any event; but it had erred in applying the test of a reasonable employer rather than asking what the chances were that that particular employer would have dismissed the employee had she not been pregnant and had attended the disciplinary hearing. The loss of a chance of retaining employment was to be assessed in percentage terms.

Abbey National Plc. v. Formoso; 27 November 1998; EAT/1162 & 1396/97
E.A.T.: Judge Peter Clark, Mr. A. C. Blyghton and Mr. J. C. Shrigley

EVIDENCE

At a preliminary hearing to establish whether the applicant's complaint of race discrimination was in time, an industrial tribunal refused to allow her to depart from her written statement to adduce further evidence in support of her claim.

Judge Hicks Q.C., allowing an appeal by the applicant, said that in principle a party was entitled to adduce in support of his claim any relevant and admissible evidence he chose. A tribunal might make the exercise of that right conditional on compliance with suitable procedural requirements such as prior disclosure, but there was no suggestion that there had been any interlocutory directions to that effect. The employers' submission that, since tribunals were not bound by the strict rules of evidence, they had discretion to exclude relevant and admissible evidence was rejected.

Fenwick v. Camden and Islington Health Authority; 27 November 1998; EAT/1335/97
E.A.T.: Judge Hicks Q.C., Lord Davies of Coity and Miss S. M. Wilson

FRUSTRATED CONTRACT

An employee whose services were hired out by her employers worked for one particular customer of the employers. Following a disagreement with the customer, she was excluded from its premises by the manager. The employers offered her the chance to work at other places, which were a substantial distance away, but the employee asked for her P45 and the reason for her dismissal, which the employers supplied. The employment tribunal held, as a preliminary point, that the employee had been dismissed.

Judge Byrt Q.C., allowing an appeal by the employers, said that the employers submitted that the further performance of the contract of employment had become impossible as a result of unforeseen circumstances which were neither the fault of the employers, nor arguably the fault of the employee. Those circumstances were that the employee was excluded from her place of work as a result of the action of a third party. The facts were such that there was no real alternative employment for which she could be considered and the chances of the customer's manager changing his mind as a result of the employers intervening were, on the evidence, remote. In all the circumstances, it was a classic case of a frustrated contract. The employee's exclusion from the customer's premises led to a situation where the employers were unable to continue to employ her. The contract was frustrated and there had been no dismissal.

Stanley Wattam Ltd. v. Rippin; 29 October 1998; EAT/355/98
E.A.T.: Judge Byrt Q.C., Mrs. R. Chapman and Mrs. T. A. Marsland

JURISDICTION

An industrial tribunal upheld an applicant's complaints of sex discrimination and unfair dismissal and adjourned the case for a remedy hearing. An application by the employers for a review of the finding of sex discrimination was granted, and the tribunal revoked its decision. On being informed that the parties had agreed terms of settlement, whereby the applicant was to receive compensation and both parties agreed not to appeal, the tribunal stayed all further proceedings. When, thereafter, the applicant appealed against the review decision, the employers applied to strike out the appeal as being an abuse of process, on the ground that, the applicant, having entered into a binding agreement not to appeal, ought not to be permitted to do so.

Smith J., dismissing the application, said that section 203(1) of the Employment Rights Act 1996 provided that any provision in an agreement was void in so far as it purported to exclude or limit the operation of any provision of the Act or to preclude a person from bringing proceedings under the Act. The agreement, which on the material available was one agreement and could not be divided into two, was caught by that subsection in that it purported to preclude the applicant from continuing her proceedings for unfair dismissal by inviting the tribunal to assess compensation and was void in its entirety. The employers could not rely on the agreement as a bar to the applicant's right of appeal against the tribunal's dismissal of her sex discrimination claim. The employers had sought to argue that the settlement became binding because it was sanctioned by the tribunal, but the agreement had not been embodied in an order: the tribunal had stayed the proceedings. It was rare for parties to invite a tribunal to make a consent order for the payment of compensation, because the recoupment provisions would apply, whereas if proceedings were stayed, withdrawn or dismissed they did not. It was generally preferable for a stay to be imposed, so that, if for any reason the settlement "went wrong," it would be possible to lift the stay and set a date for the hearing.

Hoeffler v. Kwik Save Stores Ltd.; 17 November 1998; EAT/803/97
E.A.T: Smith J., Mr. J. R. Crosby and Mr. W. Morris

REDUNDANCY SCHEME

Employees dismissed by reason of redundancy complained of breach of contract in that their employer had failed to make enhanced redundancy payments, in accordance with the terms of their contracts of employment with the local authority by which they had been employed prior to a transfer to the employer. The employment tribunal rejected the employer's contention, based on *Allsop v. North Tyneside Metropolitan Borough Council* [1992] I.C.R. 639, that the local authority's redundancy scheme for payment over and above the statutory redundancy payment as calculated under the Employment Rights Act 1996 was ultra vires and unenforceable.

JUDGE PETER CLARK, dismissing an appeal by the employer on a preliminary hearing, said that the employer had submitted that a blanket policy on the part of the local authority to pay the enhanced redundancy payment to employees who were dismissed by reason of redundancy was not a proper exercise of that authority's discretion and referred in particular to regulation 5 of the Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984. The point in *Allsop's* case related to the fact that there the local authority made enhanced redundancy payments in excess of the higher figure based on the actual weekly wage for which provision was expressly made in regulation 5. The Court of Appeal held that, in so doing, that local authority was acting ultra vires. It did not, as the present tribunal understood the report, make any observations about the principle of the blanket policy of applying a particular enhanced redundancy scheme to all of an authority's employees who fell to be dismissed by reason of redundancy. Further, there was no suggestion in the report that an authority was unable to make the higher redundancy payments specifically provided for in regulation 5 and which was the payment made by the local authority in the present case under their scheme. The employment tribunal were entitled to take the view that it was an intra vires scheme which formed part of each employee's terms and conditions of employment. There was no point which ought to go forward to a full appeal hearing.

Whitewater Leisure Management Ltd. v. Franklin; 5 November 1998; EAT/964/98
E.A.T.: Judge Peter Clark, Mr. J. R. Crosby and Ms B. Switzer

UNFAIR DISMISSAL

An employee who was employed by two companies within the same group was dismissed by one company for gross misconduct. Shortly after, she was dismissed by the second company for the same incident of misconduct. An industrial tribunal upheld her complaint of unfair dismissal against the second company, taking the view that they should not have accepted the other company's investigation without any investigation of their own.

JUDGE BYRT Q.C., allowing an appeal by the company, said that it was unreasonable to expect that one company belonging to the same group as another should expect management to produce for a second time all the evidence that had already been produced at the sister company so that they themselves could possibly come to a different conclusion. It was, however, reasonable for the second company to have conducted a review of the evidence put before the first company; and it was apparent from the correspondence that the second company had carried out a review of the relevant documentation. Accordingly, the industrial tribunal had been wrong on the facts. They had also been wrong in holding that it was not permissible for one company to accept a finding of dishonesty by a sister company to be a factor the second company could take into account when determining what to do with their own employee.

Littlewoods Home Shopping Group Ltd. v. Oliver; 7 October 1998; EAT/685/97
E.A.T.: Judge Byrt Q.C., Mrs. E. Hammond and Mr. J. C. Shrigley

[1999] I.C.R. Part 1

COSTS

An employee appealed from an industrial tribunal decision which dismissed her complaints of unlawful discrimination on the grounds of sex and unfair dismissal and ordered her to pay £500 by way of costs to her employers on the ground that her claims were vexatious. The employers gave notice that they wished to cross-appeal against the costs award of £500 on the ground that it was perversely low. When, the employee having notified the appeal tribunal that she did not wish to pursue her appeal, an order was made dismissing the appeal, the employers applied for their costs, which they estimated at £1,000.

Morison J. said that the preliminary hearing system was designed to provide a service to litigants which avoided the need for respondents to appeals to incur significant costs until the preliminary hearing had taken place. Respondents were not required to file an answer until the appeal tribunal had permitted the appeal to proceed, the object being to spare respondents heavy expenditure in relation to appeals which were dismissed at a preliminary stage. In those circumstances, the sum of £1,000 was excessive and out of proportion to what might reasonably be anticipated by an appellant who decided to withdraw her appeal. On the other hand, the case was of some particular importance to the people involved and it could be expected that if an appeal was lodged some costs would be incurred up to the preliminary stage which would be rather more than in a normal type of case. The applicant's explanation for withdrawing the appeal –that she discovered she did not qualify for legal aid and could not afford legal representation—was not satisfactory. People were quite capable of pursuing appeals unrepresented, if they believed there was some merit in them. The power of the appeal tribunal to award costs was circumscribed by the rules: it had to be satisfied that there had been at the very least unreasonable conduct in pursuing an appeal. His Lordship was satisfied that it had been unreasonable to launch the appeal, which had no sensible prospect of success. A fair and reasonable figure for the respondents' costs was £300, which erred on the side of caution, bearing in mind that there was to be no taxation.

French v. Susan D. Woodall Solicitors; 22 October 1998; EAT/226/98
E.A.T.: Morison J. (in chambers)

DISMISSAL

After writing a clear and unambiguous letter of resignation to his employers, an employee changed his mind and purported to retract the resignation before the employers received it. The employers accepted the resignation. An industrial tribunal found that the employee had resigned and had not been dismissed.

Lord Johnston, dismissing an appeal by the employee, said that the act of resigning, if clearly made, was not a repudiation of the contract requiring acceptance by the employers. It was a unilateral act determining the contract at common law. Only if there was any doubt as to whether resignation was really intended did the issue of whether there were special circumstances surrounding the termination of employment come into play. There was no question but that the employee's resignation was unambiguous and it did not require acceptance by the employers to determine the contract.

Stuart Denham v. United Glass Ltd., 26 November 1998; EAT/581/98
E.A.T. (Scotland); Lord Johnston, Miss S. B. Ayre and Mr. W. M. Spiers

PRACTICE

A notice of appeal from a decision of an industrial tribunal sent to the appeal tribunal by an applicant was considered to be out of time, and the registrar refused an extension of time. The applicant appealed against that refusal. Owing to an administrative error, notice of the hearing of that appeal was sent by the appeal tribunal to the applicant at an old address and returned "addressee unknown," though the applicant had kept the appeal tribunal informed of his changes of address. At the hearing of the appeal from the registrar's refusal, the applicant having failed to appear, the appeal tribunal dismissed it and made an award of costs against the applicant.

MORISON J., directing that the appeal should be relisted for hearing, said that it was quite clear from an examination of the file that an administrative error had been made. In those circumstances, the order for costs made against the applicant could not be sustained, because the basis on which it had been made was largely that the applicant had lodged an appeal and then failed to attend, when in truth he did not know it was being heard. His Lordship was not concerned about the power of the appeal tribunal to quash the earlier order of the tribunal and to decide anew whether time should be extended, because it appeared that the overwhelming interests of justice required that a party should not be prejudiced by a mistake of the present sort. The orders would be made in the inherent jurisdiction of the court, since the appeal tribunal, as a branch of the High Court, had all the powers of the High Court.

Meme v. Lloyds Bank Plc.; 22 October 1998; PA/600/95
E.A.T.: Morison J. (in chambers)

PROCEDURE

An applicant sought the postponement of the hearing of her complaint of racial discrimination until after she had attended an appointment with a hospital specialist about a stress related disorder from which she was suffering, but she did not produce any medical certificate stating that she would be unfit to attend the hearing. The employment tribunal chairman refused a postponement.

JUDGE PETER CLARK, dismissing an interlocutory appeal by the applicant, said that the second respondent relied on *Bastick v. James Lane (Turf Accountants) Ltd.* [1979] I.C.R. 778, approved by the Court of Appeal in *Carter v. Credit Change Ltd.* [1979] I.C.R. 908. The appeal tribunal had no general power to review a chairman's exercise of discretion in granting or refusing a postponement of a hearing under rule 13(7) of the Employment Tribunals Rules of Procedure 1993; it could only interfere where the decision had been reached impermissibly under Wednesbury principles [*Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation* [1948] 1 K.B. 223]. The applicant submitted that the employment tribunal chairman had failed to take her stress related condition sufficiently into account. The chairman took into account the applicant's illness, but had to balance that factor against the desirability, in the interests of all parties, of a speedy resolution of the matter. In coming down in favour of allowing the matter to proceed when listed, it could not be said that that was a wrong exercise of discretion.

Chambers v. Cooper Stanley Employment Agency; 5 November 1998; EAT/1304/98
E.A.T.: Judge Peter Clark, Mr. J. R. Crosby and Ms B. Switzer

RACE DISCRIMINATION

The applicant, a warehouse operator, and his team leader, H., complained about each other to their line manager, G., whom the applicant thought took little notice of his complaints, while acting on those by H. Following a disciplinary hearing held by O., a senior manager, into an incident in the warehouse, the applicant was dismissed. The applicant brought a complaint of racial discrimination, against G., H. and the employers, which related only to the disciplinary proceedings and his dismissal. The industrial tribunal made findings of racial discrimination against G. and the employers.

SMITH J., allowing an appeal by the employers and G. and remitting the case for rehearing, said that it appeared that the tribunal found that the applicant had been subjected to a thoroughly unsatisfactory disciplinary process which was not the same as the employers would have accorded to other employees. The tribunal did not, however, say what the employers' explanation was for that treatment, if, indeed, one was advanced. Nor did it say that it found the explanation to be unsatisfactory. The tribunal made findings that H. was not influenced by race, but that G. was, and that it was on account of G. that the employers were found liable. It was apparent, however, that G. took no part in the disciplinary proceedings. There was no finding that G. influenced O. in any way in the decisions he made. The industrial tribunal had failed to consider the need for a link between the unfavourable treatment which O. meted out at the disciplinary hearing and the racist attitude which they found in G. The tribunal had not considered whether race influenced O. and a specific finding of racial prejudice by G. was not enough. Nor could the link be made by seeking to draw an adverse inference against the employers generally from their response to a questionnaire served by the applicant. There was no evidence that O. had anything to do with the answers to the questionnaire.

Gamble v. Nadal; 16 October 1998; EAT/184/98
E.A.T.: Smith J., Mr. P. Dawson and Mr. R. N. Straker

REDUNDANCY

Following a reduction in the number of pupils, a school embarked on a redundancy exercise. The teachers' contracts of employment required one term's notice, and the staff agreed, at a meeting on 1 April 1996, to a notice date of 20 May 1996. On 20 May the school, at a meeting of staff likely to be affected, sought agreement to extend the period by a further week. Four days later the applicant was dismissed on the grounds of redundancy. An industrial tribunal, upholding her complaints of wrongful dismissal and unfair dismissal, held that she had not agreed to the further extension of the notice provision and the school was in breach of contract, and that the dismissal was unfair, as after her departure from the school another teacher, M., took on extra duties in the preprep department which should have been offered to the applicant.

LORD JOHNSTON, dismissing an appeal by the school, said that it was submitted that, given the background, the applicant's presence at the relevant meeting, her failure to react in any adverse or positive way to suggest she was not agreeing and the subsequent receipt of a letter which indicated that the extension was being agreed to by all staff was sufficient to require the industrial tribunal to hold that she had accepted the variation and that the contract had not been breached. It was clear that the tribunal held as a matter of fact that she did not accept the extension and did not intimate acceptance in any way. Nothing should be spelled out of silence in itself, and the tribunal was entitled to make the findings it did on the evidence. That was sufficient to dispose of the issue of wrongful dismissal. Turning to unfair dismissal, it was apparent that what was being considered by the tribunal was the consequence of an accepted redundancy situation in relation to how the school would continue once employees had been made redundant. The fact that M. was brought in to carry out work within the department suggested that what was in fact being diminished was not a whole post but half a post. That being so, the position of part-time work should at the time have been offered to the applicant, and the fact that it was not done so rendered the dismissal unfair under the general provisions of section 98 of the Employment Rights Act 1996.

Temple Grove School v. Gorst; 15 October 1998; EAT/592/97
E.A.T.: Lord Johnston, Mr. J. C. Shrigley and Mr. S. M. Springer

The following cases will be fully reported in I.C.R.

COMPENSATION

A police officer was served with a disciplinary notice alleging that his relationship with a 17-year-old trainee might have compromised his authority, and, when interviewed by a chief inspector, at a time when notices alleging, inter alia, three other sexual relationships had been served on the applicant, it was put to the applicant that the position was more serious because he was white and the girl was Asian. On the applicant's complaint of unlawful discrimination, the industrial tribunal found that but for his race the applicant would not have had that consideration put to him; that he had been subjected to a detriment on racial grounds and, equally, he would not have faced the allegation of blameworthiness but for his sex; and they awarded compensation of £750 for injury to feelings.

JUDGE PETER CLARK, allowing an appeal by the chief constable and the chief inspector, said that the question of the proper comparison and in particular the relevant circumstances to be taken into account for the purposes of section 5(3) of the Sex Discrimination Act 1975 and section 3(4) of the Race Relations Act 1976 was essentially one of fact for the industrial tribunal. The relevant circumstances were that a question was put to the applicant which would not, on the tribunal's findings, have been put to an Asian male police sergeant or a female police sergeant. It followed that but for his sex and race the applicant would not have been so treated. The tribunal considered the submission that different treatment was not necessarily less favourable treatment under section 1(1)(*a*) of both the Act of 1975 and the Act of 1976 and found there had been less favourable treatment. The difference in treatment afforded to the applicant lay in the difference in sex and race between him and the relevant comparators. On the issue of whether it was just and equitable to award compensation, both lay members, while accepting that the discriminators' motives and intentions were irrelevant to the question of discriminatory treatment for the purposes of deciding the issue of liability, nevertheless, took the view that the industrial tribunal misdirected themselves in law by ruling out, as a matter of principle, the option not to make any award of compensation. The majority (Judge Peter Clark dissenting) were of the view that the proper course was to hold, on the facts found, that it was not just and equitable to make an award of compensation. Alternatively, the majority found that, in any event, the industrial tribunal's decision to award compensation was perverse.

Chief Constable of Greater Manchester Police v. Hope; 14 October 1998; EAT/1131/97
Judge Peter Clark, Mr. D. J. Jenkins and Mrs. M. E. Sunderland

EQUAL PAY

School dinner staff, who were employed by private contractors following a transfer of the provision of school meals from a local authority, claimed equality of pay, under article 119 of the E.C. Treaty, with staff still employed by the local authority doing work of equal value. An industrial tribunal dismissed their claims.

Morison J., dismissing appeals, said that the purpose of article 119 was not to achieve fair wages but to eliminate discrimination on the ground of sex. The target of the legislation was not to eliminate inequality in pay but to eliminate inequality in so far as it was caused by discrimination on the ground of sex. Whilst it was the policy of article 119 to eliminate eventually all such discrimination across industries, without further agreement between member states or a Directive, the appeal tribunal could not say precisely where the boundary lay, save that an applicant and her comparator had to be, in a loose and non technical sense, in the same establishment or service. The argument that the rights conferred by article 119 were wide enough to permit an employee of company A to make a comparison with work done by an employee of company B and claim unlawful discrimination would be rejected.

Lawrence v. Regent Office Care; 5 November 1998; EAT/676/97
E.A.T.: Morison J., Mr. R. Sanderson and Mr. P. A. L. Parker

TRANSFER OF UNDERTAKING

Under section 46 of the Whitley Council conditions of service, employees of an N.H.S. trust hospital were entitled in the event of redundancy to the immediate payment of superannuation benefits. A department of the hospital was contracted out to a private company, and employees who were made redundant claimed payment of their superannuation benefit from the company. An industrial tribunal dismissed their claims for breach of contract on the ground that the benefits were pension benefits accruing under an occupational pension scheme and, as such, excluded from the transfer of rights, duties and liabilities from transferor to transferee under regulation 5(2) of the Transfer of Undertakings (Protection of Employment) Regulations 1981, by virtue of regulation 7(1).

Morison J., dismissing an appeal by the employees, said that there was a tripartite arrangement for the payment of superannuation benefit under which the employee was entitled to receive payments from the scheme, which was under a duty to pay them, and the employer owed the scheme an obligation to provide the necessary funds. There was no scope for implying a term to the effect that the employer was under an obligation to pay the employee. There was no obligation to be transferred to the company under regulation 5 of the Regulations of 1981. Further, the superannuation benefits due to redundant employees retained their character as retirement benefits, although accelerated and enhanced. They were provisions which related to benefits for old age within the meaning of regulation 7(2) and came within regulation 7(1), so that the liability to pay them did not transfer to the company under regulation 5.

Frankling v. BPS Public Sector Ltd.; 2 September 1998; EAT/442/98
E.A.T.: Morison J., Mrs. R. Chapman and Lord Gladwin of Clee

[1999] I.C.R. Part 2

CONSTRUCTION

On a preliminary issue to determine whether commissions claimed by the applicant were renewal commissions within the terms of the contract between the applicant and the respondent, an industrial tribunal held that the words "renewal commission" did not include commissions payable for private client business.

CHARLES J., allowing an appeal by the applicant and remitting the matter for rehearing, said that the principles and approach relating to the construction of commercial documents were set out in *Chitty on Contracts*, (27th ed.), paras. 12.104, 105 and 111. The recent House of Lords cases of *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co., Ltd.* [1997] A.C. 749, 767–768, 774, 775, 779–780, and *Investors Compensation Scheme Ltd. v. West Bromwich Building Society* [1998] 1 W.L.R. 896 explained and applied earlier cases referred to in *Chitty*. It was common ground that the words used in the relevant agreement did not have a clear and fixed meaning not susceptible of explanation and, therefore, extrinsic evidence was admissible, and should be considered, as an aid to construction. It followed that a court or tribunal should adopt a business common sense approach to construction. In doing so it should have regard to the background information reasonably available to the parties but exclude their subjective intentions and evidence as to their negotiations. Further, the conduct of the parties after the contract was entered into was not relevant. A passage in the *West Bromwich* case, at pp. 912E–913F provided a useful statement of the approach to be adopted. The tribunal's extended reasons did not contain any statement of the principles and approach applied. It was an important part of the duties of counsel, and other legally qualified representatives, to put the relevant principles of law before a tribunal, particularly when the other parties were unrepresented. The tribunal failed to provide adequate reasons and, also, misdirected itself in its approach to construction. For example, findings were made as to the subjective intention and motives of the applicant and events after the agreement had been entered into, and there was no effective attempt to identify the relevant background against which the agreement was to be construed.

Robertson v. Hill Samuel Investment Services Ltd.; 27 January 1999; EAT/404/97
E.A.T.: Charles J., Mr. P. A. L. Parker and Ms D. Warwick

PRACTICE

Complaints of sex discrimination and harassment by an applicant who worked as a model at the art department of a college, brought against the college and the head of the languages department, were held by an employment chairman to be out of time, and he held that it would not be just and equitable to extend time.

JUDGE BYRT Q.C., on an appeal by the applicant, said that the applicant alleged that she had complained to the principal of the college about an incident of alleged sexual harassment in July 1996. Not having heard anything, she complained again in November and issued her originating application in December 1996. The college conceded that there had been a failure to investigate and that that would constitute a continuing failure against them and questions of time would not apply in relation to that claim. Other claims concerned an allegation of sex discrimination in not offering the applicant employment as a teacher in September 1996. There were no grounds for criticising the decision reached by the chairman on those issues. The appeal tribunal could see from the papers that there was a dispute between the parties as to whether there were vacancies for a teaching appointment. Where there was a factual dispute of that sort manifest on the face of the documents presented to a chairman at a preliminary hearing, it would, prima facie, be wrong for him to come to a conclusion in resolution of that dispute without hearing evidence. Also, it was questionable whether it would be right for the chairman to exercise his discretion to sit alone to determine such matters. However, there was nothing wrong at a preliminary hearing in a chairman considering the documents before him, including a statement from the applicant as there was in the present case, provided, for the purpose of the argument, he accepted the facts in favour of the party at risk in the application and made his decision on that basis.

Humphreys v. Rowlands; 5 November 1998; EAT/174/98
Judge Byrt Q.C., Lord Davies of Coity and Mrs. M. E. Sunderland

PREHEARING REVIEW

On 19 November 1997 an industrial tribunal chairman issued a written decision following a prehearing review ordering the applicant, pursuant to rule 7 of the Industrial Tribunals Rules of Procedure 1993, to pay a deposit as a condition of allowing him to proceed with his race discrimination claim. On 19 December the chairman made a striking out order on the ground that the applicant had failed to pay the money within 21 days of 19 November as prescribed by rule 7(7). On 23 December the applicant handed in a cheque for the deposit. The chairman refused an application by the applicant for a review of the striking out order, made on the ground that he had not received the order to pay the deposit until 6 December.

JUDGE PETER CLARK, allowing an appeal by the applicant against the review decision, said that, applying *Immigration Advisory Service v. Oommen* [1997] I.C.R. 683, "sent" in rule 7(7) meant that time began to run on the date of receipt of the tribunal's order by the person ordered to pay a deposit and that the date of deemed service was the second day after posting in the case of a letter sent first class, unless the contrary was proved. It followed that the chairman had been wrong to treat the date the order was sent out as the start date for the 21-day period. Also, it appeared from the chairman's decision that he considered it necessary for cleared funds to be with the tribunal office within 21 days. To construe "pay" as meaning cleared funds would be to introduce uncertainty as to whether a payment was in time. To pay, in the present case, meant that the cheque was put into the hands of the tribunal, subject to its being honoured in due course. However, even allowing for deemed service, the 21-day period had expired when the chairman made the striking out order, and the appeal against that order would be dismissed. A striking out order under rule 7(7) was not a "decision" within the meaning of regulation 2(2) of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993 and, therefore, not reviewable under rule 11, so that the chairman had had no power to entertain the application for review. But the power under rule 16(1) to give directions included the power to set aside or revoke a striking out order wrongly made under rule 7(7). The correct course was for the chairman to order a directions hearing under rule 16(1) before a full tribunal to determine the factual question whether the applicant received the prehearing review order less than 21 days before he tendered his cheque and, if not, whether time should be extended under rule 15.

Kuttapan v. Croydon London Borough Council; 17 December 1998; EAT/268 and 392/98
E.A.T.: Judge Peter Clark, Ms S. Corby and Mr. L. D. Cowan

RACE DISCRIMINATION

On a preliminary issue to determine whether an applicant was entitled to make a complaint that, by failing to advertise the post of chief executive and thereby depriving the applicant of the opportunity to apply for it, the respondent local authority had discriminated against him on racial grounds, contrary to section 4 of the Race Relations Act 1976, the employment tribunal found that, although the post was not vacant when the applicant had inquired, he had made clear that he wished to be a candidate when it became vacant and that, as a person in the contemplation of the respondent in relation to the post, he was entitled to have his claim heard.

MORISON J., remitting the matter for reconsideration on an appeal by the local authority, said that the local authority's case was that the chief executive's appointment had been due to expire in March 1998 but that at some stage during July 1997 it had been renewed and therefore there was no vacancy. In principle section 4 was looking at applications for a specific post and discrimination in relation to such applications. There needed to be a specific vacancy, either immediately open or available in the reasonably near future. It would be sufficient for an applicant to make an application for a job which was due to become available, say, in the forthcoming 12 months, and, if there was discrimination in the way that application was dealt with, section 4 would apply. The question for the tribunal, therefore, might be whether, on the evidence, it could be said that the applicant was an applicant within that extended meaning as to the ambit of section 4. Because of the obscurity of the facts, the matter would have to go back for rehearing, but it was not desirable to isolate the issue, and the tribunal would be invited to hear the case in full in relation to all the issues which arose under section 4, namely, whether there was a vacancy as defined above, whether there was an application and whether there was discrimination.

Croydon London Borough Council v. Kuttappan; 2 December 1998; EAT/129/98
E.A.T.: Morison J., Mrs. E. Hart and Mr. J. C. Shrigley

SEX DISCRIMINATION

An employee's complaint, inter alia, that, in dismissing her, her employers had victimised her because she had made a complaint of sexual harassment was dismissed by an industrial tribunal.

SMITH J., dismissing an appeal by the employee, said that the employee submitted that section 4 of the Sex Discrimination Act 1975 required a tribunal to go through a similar procedure to that required for a case under section 1 and to ask whether the complainant had proved that she had been treated differently from the way in which another person who had not made such a complaint would have been treated in similar circumstances. The tribunal had made no attempt to compare the employee's treatment with that of any other person actual or hypothetical. That would have been a very difficult task and in the circumstances a highly theoretical one as there was no readily imaginable control group. But that was not what the statute required. It was submitted by the employers that the correct approach was that set out in *Nagarajan v. London Regional Transport* [1998] I.R.L.R. 73: before there could be a finding of victimisation there must be evidence that the person taking the decision had been consciously motivated to act as he had by reason of the complainant having done the protected act. It had never been suggested that discrimination required a conscious motivation, and it was difficult to see why victimisation should. It should be enough if the alleged discriminator was consciously or subconsciously influenced by the complainant having done the protected act. The tribunal were, however, bound by the Court of Appeal in *Nagarjan* and were right to look for "conscious motivation" and, having found no evidence of it, were entitled to reject the claim of victimisation.

Higgins v. Home Counties Newspapers Holdings Plc.; 17 December 1998; EAT/1048/97
E.A.T.: Smith J., Mrs. T. A. Marsland and Mr. K. M. Young

[1999] I.C.R. Part 3

COMPENSATION

An employment tribunal awarded two employees, who had been dismissed, unpaid holiday pay calculated by multiplying the daily rate of pay by the number of days holiday due. On review the tribunal applied the Apportionment Act 1870 in defining a day's pay and took the annual pay of the employee, divided by 365 and multiplied by the number of days holiday due.

JUDGE PETER CLARK, dismissing an appeal by the employees, said that the employees had submitted that the Apportionment Act 1870 did not apply and that the calculation of a day's pay ought to be made by reference to the number of working days in a week. It was clear from the statement of the employees' terms and conditions of employment that the Act of 1870 had not been expressly excluded: cf. section 7 of the Act. The employees were paid an annual salary and the correct apportionment was 1/365 of that annual salary. That approach was consistent with the approach of the Employment Appeal Tribunal in *Thames Water Utilities v. Reynolds* [1996] I.R.L.R. 186 and was correct.

Dykes v. Kettering Rifle Band Club Ltd.; 12 January 1999; EAT/84/974
E.A.T.: Judge Peter Clark, Mr. L. D. Cowan and Mr. P. Dawson

CONSTRUCTIVE DISMISSAL

An industrial tribunal upheld a complaint of constructive dismissal by an employee who had resigned by giving notice in accordance with his contract of employment. The tribunal calculated compensation by regarding the dismissal as occurring on the date of his resignation rather than the date the notice expired.

LINDSAY J., allowing an appeal by the employers, said that an employee who was in a position to assert constructive dismissal did not necessarily have to leave the employment there and then. He was entitled, instead of walking out, to give notice. Dismissal in such a case occurred when the notice given by the employee expired unless some subsequent arrangement was proven to have taken place. Accordingly, when the question of compensation came to be examined under section 123(2) of the Employment Rights Act 1996, the dismissal that was looked to was the expiry of the notice. Awards of compensation were required to be of amounts considered just and equitable (section 123(1)). Would it be right to compensate an employee as if he had been employed possibly for a further year after giving notice, if the intervening events had been such that it was very likely that he would have been dismissed three weeks later? Post-dismissal events were often irrelevant, but if the dismissal, properly regarded in the instant case, was at the expiry of the notice, rather than the giving of the notice, the tribunal was not precluded from looking at events after notice was given. The industrial tribunal had erred in law in regarding the contract as having terminated on the date the employee resigned. On that basis the quantification of compensation would be set aside. Prima facie, the contract ended when the notice expired, but it was open to the industrial tribunal to find some other date for the termination of the contract.

Peterborough Regional College v. Gidney; 13 November 1998; EAT/1270/97
E.A.T.: Lindsay J., Mr. J. D. Daly and Mr. I. Ezekiel

GRIEVANCE PROCEDURE

An industrial tribunal upheld a complaint of breach of contract by an employee that a clause of his employers' grievance procedure, to the effect that where the employers sought to change a term or condition of employment the existing condition should be maintained until the procedure was exhausted, ought to have been applied in relation to the employers' redundancy appeals procedure.

JUDGE WILSON, allowing an appeal by the employers, said that what was at stake in the instant case was not a change in the terms of employment, but purely whether a termination of the contract of employment by reason of redundancy was fair. The clause in question had no application, on the facts: there was no change of terms of the contract. The problem had been created by the employers' failure to have in place a proper redundancy procedure. They had had to fall back on using the grievance procedure for a purpose for which it had not been designed. To use that procedure for redundancy purposes, it was not only not necessary to imply the clause in question, to do so would enable employees to extend for one reason or another the period of time occupied by the grievance procedure out of all proportion. Accordingly, there had been no breach of contract.

Camden and Islington Community Health Service NHS Trust v. Ingram-Smith; 28 January 1999; EAT/418/98
E.A.T.: Judge Wilson, Mr. P. Dawson and Mr. D. Chadwick

PRACTICE

At a directions hearing relating to an appeal from an industrial tribunal, the Employment Appeal Tribunal directed that the chairman of the industrial tribunal should be asked to produce his notes of evidence together with the bundle of documents presented to the industrial tribunal.

LINDSAY J., adjourning the hearing of the appeal, said that, although the procedure anticipated was that the industrial tribunal would be asked to produce the documents, that did not exonerate the parties from the responsibility quite clearly cast on them by *Practice Direction E.A.T.: (Procedure)* [1996] I.C.R. 422, 424, para. 6(4). In the present case the documents were absolutely crucial to an argument going to jurisdiction. The skeleton arguments referred to pages that the appeal tribunal did not have. The smooth working of the appeal tribunal depended on a careful and informed preparation of the matters before the hearing. All the members needed to see the facts and the judge, in particular, would wish to see what authorities were likely to be necessary, what points of law were likely to be presented, what needed to be researched, and so on. That had not been possible in the present case. The only course open for the effective hearing of the matter was to adjourn it generally, with liberty for it to be restored once the *Practice Direction* had been complied with.

Lewisham London Borough Council v. Candy; 26 November 1998; EAT/1367/97
E.A.T.: Lindsay J., Mr. D. Chadwick and Lord Gladwin of Clee

PROCEDURE

At the hearing of a complaint of unfair dismissal on the ground of pregnancy an industrial tribunal amended the claim to add a complaint under the Sex Discrimination Act 1975 without informing the unrepresented parties that unlimited compensation could be awarded if the claim succeeded. The applicant's claims were upheld and compensation awarded included a sum for injury to feelings.

JUDGE PUGSLEY, dismissing (by a majority) an appeal by the employers, said that it had been argued on the appeal that, if the tribunal chairman had explained that compensation would be unlimited, the employers would have asked for an adjournment to obtain legal representation. There was concern that a further action had been added which, although integrally connected to the complaint of unfair dismissal, did mean that the employers faced a claim of sex discrimination which included a head of damage—injury to feelings—not available for unfair dismissal. Such issues should have been explained to the employers, so that they had an opportunity of making submissions and reconsidering whether they wished to have legal representation. Had the employers suggested that the case be remitted purely to consider the issue of remedy, that might have had considerable merit, but their approach was to secure a total rehearing. The majority were of the view it would not be appropriate that the whole case should be sent back for the basic factual matter to be relitigated.

Orman v. Gear; 1 February 1999; EAT/178/98
E.A.T.: Judge Pugsley, Mr. P. Smith and Miss D. Whittingham

WORKING TIME DIRECTIVE

Following the formation of an NHS trust, radiographers at one hospital were dismissed by reason of their refusal to agree new arrangements for stand-by duties and under protest accepted re-engagement on new terms requiring them to work the new system. Complaints of unfair dismissal by the radiographers were dismissed by the industrial tribunal.

MORISON J., dismissing an appeal by the radiographers, said that at the heart of the radiographers' complaint was their belief that the new practices presented a danger to patients, since they would be required to work excessively long hours. Furthermore, it was their belief that the new system would contravene the Working Time Directive (93/104/E.C.). It was argued that there could not be a fair dismissal where the reason was a desire to change conditions so as to produce a scheme which was unlawful. It was undesirable that the appeal tribunal should endeavour to decide issues in relation to the Directive which did not directly fall for determination. At the date when the decision to dismiss was taken the Directive was not in effect. Even if the trust were obliged to have regard to the provisions of the Directive, the question would have arisen as to whether, on the facts, an employer could reasonably have taken the view that there was a reasonable business case for imposing the new regime. Nothing that the trust were proposing would prevent the radiographers from complaining that the new regime was a breach of the Directive. Accordingly, an industrial tribunal would well be able to conclude that, on the facts, the Directive was something of a red herring in relation to the complaint of unfair dismissal. The industrial tribunal had been entitled to conclude that the decision to dismiss in order to introduce the new terms and conditions was fair and reasonable.

Cawley v. Hammersmith Hospitals NHS Trust; 20 January 1999; EAT/475/98
E.A.T: Morison J., Mrs. R. A. Vickers and Mr. G. H. Wright

The following cases will be fully reported in I.C.R.

EFFECTIVE DATE OF TERMINATION

An employee who signed an agreement on 7 March 1996 in which it was stated that his employment had been terminated with effect from 31 December 1995 presented an originating application on 6 June 1996 complaining, inter alia, that he had been unfairly dismissed. An industrial tribunal held that the effective date of termination of the applicant's employment was 31 December 1995, not 7 March 1996 as contended by the employee, and that his unfair dismissal claim was time-barred.

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the employee challenged the approach in *Crank v. Her Majesty's Stationery Office* [1985] I.C.R. 1, relying on a passage in *Harvey on Industrial Relations and Employment Law*, vol 1, D[703], saying, in relation to *Crank's* case: "This may, however, be a cranky decision since it is difficult to see how the parties can for statutory (as opposed to contractual) purposes effectively rewrite the provisions of the Act." The decision was neither "cranky," nor an attempt to rewrite the statutory provisions. Unlike, for example, the definition of continuity of employment, which was purely statutory and not affected by agreement between the parties, section 97(1)(*b*) of the Employment Rights Act 1996 required the tribunal to determine, as a matter of fact, what was the effective date of termination. There was no reason why it should not be a date agreed between the parties. The employee sought to distinguish *Crank's* case, because in *Crank's* case it was the employee who suggested the date of termination which was later agreed, whereas in the present case the suggestion had come from the employer. That was not a material distinction. The critical point was that agreement was reached.

Lambert v. Croydon College; 19 November 1998; EAT/1247/96
E.A.T.: Judge Peter Clark, Mr. A. E. R. Manners and Mr. S. M. Springer

FIXED TERM CONTRACT

An employee, who after 17 years working for an employer entered into a fixed term contract with the same employer containing a waiver of any right to a redundancy payment and at the same time resigned from his former post, was awarded a redundancy payment by an industrial tribunal, when his fixed term contract expired without being renewed.

JUDGE ALTMAN, allowing an appeal by the employer, said that the issue was what happened to accrued rights under an ordinary contract of employment when that contract had been succeeded by a fixed term contract which contained a statutory waiver. For the purposes of the period of continuous employment under section 211 of the Employment Rights Act 1996, it was clear that the employee began work for his employer in 1976 and his contract ended in 1997. But a distinction had to be drawn between the event that triggered entitlement to a redundancy payment and the process of calculating that entitlement. Under section 197, where a fixed term of two years or more came to an end without its being renewed, that did not trigger an entitlement to a redundancy payment where there had been a waiver. Accordingly, the measure of continuous service never came into play.

Kingston upon Hull City Council v. Mountain; 17 December 1998; EAT/756/98
E.A.T.: Judge Altman, Mr. D. J. Hodgkins and Mr. R. Sanderson

TIME LIMIT

An industrial tribunal promulgated its decision upholding an employee's complaint of discrimination on the grounds of his nationality on 11 March 1998. The employers appealed by notice of appeal dated 24 April 1998 and received by the Employment Appeal Tribunal on 27 April. The registrar ruled that time started to run for the purposes of calculating the 42-day period for appealing from the date the decision was sent to the parties, 11 March, rather than a later date on which the decision might have been received in the normal course of post.

MORISON J., dismissing an appeal by the employers, said that the employers had argued that section 7 of the Interpretation Act 1978 provided that, where an Act required a document to be sent by post, service was effected at the time of delivery in the ordinary course of post, and that "sent" in rule 3(2) of the Employment Appeal Tribunal Rules 1993 should be given the same meaning. Section 7 of the Act of 1978 was concerned and concerned only with statutory provisions authorising or requiring the service of documents by post. There was no room for the application of section 7 to the interpretation of rule 3(2). The rule was clear: it was the date on which the extended reasons were sent to the appellant on which time started to run. Even if section 7 were capable of applying to rule 3(2), a contrary intention appeared from the structure of the rules. There was no support for the passage in *Immigration Advisory Service v. Oommen* [1997] I.C.R. 683, 691F–G.

Hammersmith and Fulham London Borough Council v. Ladejobi; 13 November 1998; EAT/500/98
E.A.T.: Morison J. (in chambers)

[1999] I.C.R. Part 4

BREACH OF CONTRACT

An employee presented complaints of breach of contract to an industrial tribunal between the date on which he had been given notice of dismissal and the effective date of termination of his employment. An industrial tribunal rejected his claims on the ground that they were premature, since article 7(*a*) of the Industrial Tribunals Extension of Jurisdiction (England and Wales) Order 1994 provided that a tribunal should not entertain a breach of contract complaint unless it had been presented within the period of three months beginning with the effective date of termination of the contract.

JUDGE PETER CLARK, allowing an appeal by the employee, said that, in the light of the legislative history, the instant aspect of the breach of contract jurisdiction was analogous to transfer of undertakings cases and not to pre-Employment Protection Act 1975 unfair dismissal or redundancy cases. Whereas in the case of unfair dismissal and redundancy no cause of action arose until termination of the contract of employment, on the employee's formulation of his case, the breach of contract causes of action arose prior to termination. It would be otherwise if the breach of contract claim related solely to wrongful dismissal. In that sense the claims were analogous to transfer of undertakings consultation claims, where the right to consultation arose before the date of transfer. However, just as in the transfer cases there had to be a transfer, it was necessary for the contract ultimately to be terminated in order that the tribunal should have jurisdiction to consider the instant breach of contract claims. Further support was to be derived from article 3(*c*) of the Order of 1994, which provided that the claim should arise *or be outstanding* on the termination of employment. Accordingly, the claims were not premature and the industrial tribunal had jurisdiction to hear them.

Capek v. Lincolnshire County Council; 17 December 1998; EAT/709/97
E.A.T.: Judge Peter Clark, Mr. D. Chadwick and Ms B. Switzer

COSTS

At a remedies hearing following a finding of unfair dismissal, an industrial tribunal found that the applicant was 40 per cent. to blame for his dismissal and made a £200 costs award against him on the ground that the employers had made offers in settlement in excess of the sum awarded.

JUDGE PETER CLARK, dismissing an appeal by the applicant against the finding of 40 per cent. contribution, said that, on the facts, the tribunal had been entitled to conclude that the applicant had been guilty of blameworthy conduct and that it was a causative factor in the dismissal. The level of contribution could not be characterised as perverse. The employers applied for costs in the appeal on the ground that there had been unreasonable conduct by the applicant in bringing or conducting the appeal. Following the preliminary appeal hearing the employers had again made persistent attempts to settle the appeal. In the judgment of the appeal tribunal the applicant had acted unreasonably in pursuing the appeal in circumstances where (a) at the appeal hearing he abandoned a part of the appeal on which it had been allowed to proceed, (b) realistic offers of settlement had been made, and (c) he was aware, as a result of the costs order below, that he was at risk of costs if his appeal failed. He would be ordered to pay £500 towards the employers' costs.

Hitchman v. Harrison Drape; 3 December 1998; EAT/574/98
E.A.T.: Judge Peter Clark, Ms S. R. Corby and Miss S. M. Wilson

EFFECTIVE DATE OF TERMINATION

An employee who resigned from her employment by a letter, which was written on and dated 17 July 1997 and received by the employers on 18 or 21 July, presented a complaint of unfair dismissal on 17 October 1997, alleging that the employers' conduct constituted a breach of mutual trust and confidence. The industrial tribunal held that the effective date of termination of employment was the date of the resignation letter and that, accordingly, the complaint was out of time.

Morison J., allowing an appeal by the employee, said that the employee submitted that for termination to take effect the fact of termination had to be communicated to the other party. The employers argued that, in a constructive dismissal case, it was the date the employee decided that she could not continue to work for the employer and that communication of that position was not required. The authorities cited did not support the proposition that a contract of employment could be effectively terminated without communication between the parties. That could lead to difficulty. In the present case the employers appeared to have written a letter which was compatible with the employment relationship continuing. The industrial tribunal's approach had been wrong. Until there was a proper communication to the employer by the employee of the fact that she regarded herself as no longer employed, whether by words or conduct, the employment relationship had not terminated. The tribunal had not made any finding as to communication.

Edwards v. Surrey Police; 4 March 1999; EAT/698/98
E.A.T.: Morison J., Miss C. Holroyd and Mr. D. A. C. Lambert

EMPLOYMENT PARTICULARS

An employee was notified by his employer in December 1996 that, instead of being paid his wages weekly as provided in the statement of particulars issued to him when he commenced his employment in 1973, he was to be paid every four weeks. In January 1997 he applied to an industrial tribunal for a reference pursuant to section 11 of the Employment Rights Act 1996. The industrial tribunal, in determining whether the original statement of the terms and conditions of his contract of employment had been superseded by some subsequent arrangement, considered a national agreement signed in March 1997 and held that it was not intended to apply to the employee and that the term of the employee's contract relating to his wage payment period was as set out in the statement of particulars issued to him in 1973.

Judge Byrt Q.C., on an appeal by the employer, said that, construed in accordance with their natural meaning, the provisions of sections 1, 4 and 11 of the Act of 1996 required the tribunal to make a determination as to the position at the date of the reference. At that point the employee was inviting the tribunal to consider whether, prior to that moment, the employer had failed to comply with the requirements of sections 1 and 4. If the tribunal found that the employer had so failed, it was invited to say what particulars ought to have been included in order to satisfy those requirements. If the material date for considering the contents of the particulars was the date of the hearing, there would be no sense in making the employer's failure to provide the particulars required by section 1 or 4 the ground for the reference. While the parties might have wished to have a ruling on the applicability of the national agreement, section 12 of the Act of 1996 did not give the tribunal jurisdiction to make a ruling on that issue, if section 11 did not. The powers given by section 12(2) had to be read in the context of what section 11(2) was about. The tribunal had exceeded its jurisdiction and its ruling on the applicability of the national agreement to the employee could not be binding on the parties, and to that extent the appeal would be allowed.

Railcare Ltd. v. Cook; 3 March 1999; EAT/1052/98
E.A.T.: Judge Byrt Q.C., Mrs. T. A. Marsland and Miss C. Holroyd

PRACTICE

On the Friday preceding the Monday on which an employee's complaints of sex and race discrimination were due to be heard the parties concluded a compromise agreement. When the case was about to begin the applicant said that she was not prepared to continue with the agreement which she contended was not binding on her. The agreement was produced to the employment tribunal, and the employer, while accepting that it did not comply with statutory requirements, contended that the applicant had behaved unreasonably and vexatiously and that her claim should be struck out. The employment tribunal rejected that contention, decided that they were able to put aside the information they had been given and held that it was in the interests of justice for them to proceed to hear the matter.

Morison J., dismissing an appeal by the employer, said that it was simply not open to the employment tribunal to conclude that reneging on an unenforceable agreement was capable of being vexatious conduct entitling an application to strike out. That being so, it would not have been appropriate to adjourn the proceedings to enable the tribunal to consider other evidence. If it was necessary in order to make such an application to have a trial within a trial, then the power to strike out should not be exercised. As to whether the employment tribunal were now competent to continue to hear the case, justice could properly be done between the parties by the tribunal, subject to the chairman giving careful directions to his lay colleagues. The fact that they had seen a document that they would not normally have seen did not of itself lead to the conclusion that they should recuse themselves. Much depended on the particular circumstances. The balancing exercise which the tribunal had had to undertake had been sensibly carried out and the appeal tribunal ought not to interfere.

Crown Prosecution Service v. Bamieh; 4 March 1999; EAT/309/99
E.A.T.: Morison J., Miss C. Holroyd and Mr. D. A. C. Lambert

SEX DISCRIMINATION

An employee made a complaint that she had been sexually harassed by a manager who had made a number of remarks with sexual connotations which had upset her so much she had resigned. An industrial tribunal found that she had been forced to leave her employment as a result of the unwanted attentions of her manager, that she had been constructively dismissed and that the dismissal was an act of discrimination.

Morison J., dismissing an appeal by the manager and the employers, said that the employee had been forced to leave her employment as a result of the unwanted actions of her manager. That amounted to a constructive dismissal and as such was a dismissal within section 6(2) of the Sex Discrimination Act 1975, and, accordingly, the dismissal was itself an act of discrimination. The tribunal, as sole arbiters of fact, had been entitled to find that the manager's behaviour was both unwanted and bullying and sufficient to amount to a breach of contract. Given that the tribunal found that the employee had complained to colleagues and that her health had been deteriorating by reason of stress, the employers' failure to investigate the matter justified a finding of breach of trust and confidence. Although it was clear the appeal had to be dismissed, it provided an opportunity to set out some general guidance. The question in each case was whether the alleged victim had been subjected to a detriment and whether it was on the grounds of sex. The essential characteristic of sexual harassment was words or conduct unwelcome to the recipient; and it was for the recipient to decide what was acceptable and what she regarded as offensive. A characteristic was that it undermined the victim's dignity at work. It was important that the tribunal should not carve up the case into a series of incidents and measure the harm in relation to each. A blatant act of a sexual nature might well make other incidents take on a different significance. As to whether conduct was unwelcome, a woman did not, for example, have to make it clear in advance that she did not want to be touched in a sexual manner. But, at the lower end of the scale, because it was for each person to define her own level, the question would be whether she had made it clear that the conduct was unwelcome. Provided that any reasonable person would understand her to be rejecting the conduct, continuation would, generally, be regarded as harassment. A one-off act might be sufficient to damage her working environment and constitute a detriment.

Reed v. Stedman; 11 February 1999; EAT/443/97
E.A.T.: Morison J., Mr. A. C. Blyghton and Miss C. Holroyd

STRIKING OUT

On a hearing for directions, an employment tribunal chairman, sitting alone, made an order, inter alia, striking out the applicant's complaint of race discrimination under rule 13(2)(*e*) of the Employment Tribunals Rules of Procedure 1993 on the ground that it was frivolous in the sense of having no prospect of success.

Morison J., allowing an appeal by the applicant, said that it was incumbent on an employment tribunal when exercising powers under rule 13(2)(*d*) or (*e*) to specify in the decision how rule 13(3) had been complied with. The power to strike out had to be exercised with caution. Under regulation 2(2) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993, it was plain that a determination that part of a claim should be struck out was a decision to which rule 10 applied. It was, therefore, a serious step to take and normally parties should be given the opportunity to reflect on their position before a tribunal proceeded to consider whether it was appropriate to strike out an allegation. On the face of the pleadings there was a competent allegation of unlawful discrimination. It raised a case which merited a determination. In any event, if there was any doubt about what was being said, it would have been better for the tribunal to have ordered further and better particulars, and, then, if the allegation was groundless, to take a decision to strike out having given notice. The sensible course was for the hearing to take place with all the applicant's complaints, including the race discrimination claim. The appeal would be allowed on the grounds that the decision had failed to deal with an important part of the employment tribunal's jurisdiction and that, in any event, it should not have been a striking out case.

Khan v. London Central Mosque Trust; 10 December 1999; EAT/1268/98
E.A.T.: Morison J., Mr. D. J. Hodgkins and Ms D. Warwick

UNFAIR DISMISSAL

At a disciplinary hearing, two employees accused of gross misconduct were not shown a witness statement from an informant, whose identity was withheld and on the basis of whose evidence the employers dismissed the employees. Complaints of unfair dismissal by the employees were upheld by an industrial tribunal, which found that the employers' investigation had been inadequate and that, in any event, they had acted unreasonably in automatically dismissing the employees.

Judge Peter Clark, dismissing an appeal by the employers, said that the appeal tribunal accepted the principle in *Linfood Cash & Carry Ltd. v. Thomson* [1989] I.C.R. 518, 523, that it was not for an industrial tribunal to substitute its own view for that of an employer in judging the credibility of witnesses at internal disciplinary proceedings, but the industrial tribunal had not done so. It had focused on the fairness of the employers' procedure. The guidelines in *Linfood* for dealing with anonymous informants did not have the rigid force of the statute but they did provide useful guidance to employers. Breach of the guidelines would not automatically render a dismissal unfair but might do so, depending on the circumstances and the view taken of it by the industrial jury. Failure to take a full written statement from the informant, adapted to preserve anonymity, and to provide a copy to the employee charged with the disciplinary offence might result in a finding by an employment tribunal that the employee did not have sufficient knowledge of what was said against him. That was the conclusion of the industrial tribunal in the present case, and it could not be said that it was perverse on the facts.

Focsa Services (U.K.) Ltd. v. White; 14 December 1998; EAT/1186/98
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mr. J. A. Scouller

[1999] I.C.R. Part 5

BREACH OF CONTRACT

An employee's contract of employment provided that if he failed to achieve his performance target he could be "dismissed with immediate effect." When he was summarily dismissed for failing to meet his targets, he complained to an industrial tribunal. The tribunal held that the words "dismissed with immediate effect" did not specifically exclude the right to payment in lieu of notice, were at best ambiguous and should be construed against the employer.

JUDGE PUGSLEY, dismissing the employer's appeal, said that it was a permissible option for the tribunal to come to the view that, in the circumstances of the case, the words "dismissed with immediate effect" were ambiguous and did not of themselves exclude the employee's right to pay for the contractual notice period. To deprive an employee of his contractual notice was a draconian step. If a professionally drafted contract was going to impose such draconian measures, it should be drafted in clear and unambiguous terms that brought home to the employee the exact nature of his contractual liability.

T. & K. Home Improvements Ltd. v. Skilton; 18 March 1999; EAT/486/98
E.A.T.: Judge Pugsley, Lord Davies of Coity and Miss S. M. Wilson

COMPENSATION

On a complaint by an employee her employers admitted that the manner of her dismissal had been unfair. When deciding the issue of quantum of compensation, the employment tribunal found that the employee's dismissal had not been "caused or contributed to by any action on her part." The tribunal considered whether a dismissal would have followed a proper disciplinary hearing and found that they were unable to conclude that the employers would have either dismissed or definitely retained the employee and concluded: "Doing the best that we can, we assess the employee's chances of retaining her job at no more than 50 per cent." A compensatory award was made made with a 50 per cent. deduction.

JUDGE LEVY Q.C., allowing an appeal by the employee, said that, where there were findings, as in the present case, that the employee's dismissal had not been caused or contributed to by any action on her part, it was strange for a tribunal properly addressing themselves to determine that they could not make up their minds whether a reasonable fair minded employer would have dismissed her or not. To assess the chances of the employee retaining her job at no more than 50 per cent. appeared to be a figure plucked from the air. There was nothing in the conduct set out in the tribunal's findings which would lead a fair employer to take the attitude that the respondent employers apparently did. An order of compensation without the 50 per cent. deduction would be substituted.

Des Moulins v. Age Concern (Hove & Portslade); 11 March 1999; EAT/1022/98
E.A.T.: Judge Levy Q.C., Dr. D. Grieves and Mr. G. H. Wright

CONTINUITY OF EMPLOYMENT

In July 1996 an employee was dismissed for redundancy and re-employed a week later by the same employers under a new contract of employment at a different location. During the intervening week she continued to receive pay and other benefits. In September 1997 her employment was subsequently transferred under the Transfer of Undertakings (Protection of Employment) Regulations 1981 and a month later she was dismissed. An industrial tribunal rejected her complaint of unfair dismissal on the ground that she lacked the necessary two years' continuous employment, holding that the week between her redundancy and re-employment constituted a break in her employment.

JUDGE ALTMAN, allowing an appeal by the employee, said that the tribunal had been entitled to conclude that the week in July 1996 was not a week during which the relations between the employee and her employers were governed by a contract of employment within the meaning of section 212(1) of the Employment Rights Act 1996. However, section 212(3)(*c*) provided that any week during which an employee was absent from work in circumstances such that "by arrangement or custom" he was regarded as continuing in his employer's employment counted in computing the employee's period of employment. That provision only arose where there was no contract of employment. In the present case, there was clearly an "arrangement" for payment of pension, holiday, sickness and ordinary remuneration. Section 212(3) did not require that the employee was regarded as being subject to a continuing contract of employment but simply that he was regarded as still being an employee "for any purpose." If there was anything which was a result of an arrangement between the parties or between the employer and a trade union and was a factor by which there was regarded to be a continuation of employment, that was determinative of continuity. The tribunal had not asked itself whether section 212(3) applied so as to preserve the employee's continuity of employment, and, on the facts, there was no other answer than that the employee was regarded as continuing in employment and the week counted in computing the period of continuous employment.

Howden v. Searle; 16 December 1998; EAT/478/98
E.A.T.: Judge Altman, Mr. P. A. L. Parker and Ms D. Warwick

EFFECTIVE DATE OF TERMINATION

An employee was dismissed summarily for gross misconduct on 15 May 1997. Following internal appeals, by letter of 8 July, the employers informed him that the original decision to dismiss for gross misconduct was being rescinded in favour of a dismissal on medical grounds "effective from 15 May 1997." On 7 October 1997 the employee presented a complaint of unfair dismissal, giving the effective date of termination as 8 July. The industrial tribunal chairman found the date of termination to be 15 May and dismissed the complaint as being time-barred.

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the issue was whether the dismissal on 15 May 1997 was rescinded and a fresh dismissal effected for a different reason, by the letter of 8 July. The appeal tribunal accepted that, where an employer, as a result of an appeal process, found that the original reason did not justify dismissal but a different reason might, the employer ought to rescind the original dismissal and effect a fresh dismissal. That was because, in defending a substantive claim of unfair dismissal, it would not be open to the employer to rely on a reason for dismissal which post-dated the dismissal. However, the question of fairness must not be confused with the question of the effective date of termination. From a careful consideration of the letter of 8 July, it was clear, as a matter of fact, that it was open to the tribunal chairman to construe it as expressly stating that the dismissal was effective from 15 May 1997 and to accept the employers' submission that what was changed was the reason for the dismissal not the date. Looking at the structure of the letter it was plain that the reason was purportedly changed, not the fact of the initial dismissal.

Edmundson v. Securicor Guarding Ltd.; 14 January 1999; EAT/602/98
E.A.T.: Judge Peter Clark, Mr. G. H. Wright and Miss S. M. Wilson

EMPLOYMENT TRIBUNAL

An employment tribunal upheld complaints by an employee that he had been unfairly dismissed by reason of redundancy and for breach of contract and dismissed a counterclaim by the employer, save for an award of £25 damages if he failed to return a mobile phone.

JUDGE PETER CLARK, on an appeal by the employer, said that a point had been raised, as a preliminary issue, at the hearing before the tribunal as to whether the employee had sufficient qualifying service to bring his complaints. The tribunal had retired to consider that point, returned and proceeded to hear the case on its merits. It followed that they rejected the argument that the employee had not completed two years' service. The tribunal's reasoning on that issue ought to have appeared in their written reasons. It did not. Accordingly, the employer did not know why it had lost on that point. But the employer had failed to make out its substantive grounds of appeal, including a submission that the tribunal ought to have made an order for the return of the mobile phone, when the tribunal had no power to do so and could only award damages. Accordingly, the matter would be remitted to the same tribunal for full written reasons for the decision on the preliminary issue, on promulgation of which the employer would have 28 days in which to lodge amended grounds of appeal in relation to that issue only. If no amended grounds were lodged, the appeal would stand dismissed.

Millat Housing Association v. Nijhar; 11 February 1999; EAT/581/98
E.A.T.: Judge Peter Clark, Mr. W. Morris and Mr. R. N. Straker

JURISDICTION

On an employee's complaint of unlawful race discrimination, an industrial tribunal chairman refused an application by the employers for a preliminary hearing of an issue as to whether the acts relied on were out of time and, if so, whether it would be just and equitable to hear them, holding that it would be preferable to consider the issue at the full merits hearing.

CHARLES J., allowing an appeal by the employers, said that, when dealing with a jurisdictional point, it could not be that it was more often than not appropriate to hear all the evidence in a discrimination case before deciding whether any particular allegation was out of time and, if so, whether it was just and equitable to hear the allegation. That would be a sensible approach when the tribunal already had jurisdiction and the question was whether further claims should be introduced. But, when the issue was whether the tribunal had *any* jurisdiction, it was necessary to determine that issue first; and that was so whether or not there would be an overlap between evidence on that issue and the issues arising in the substantive dispute. The matter would be remitted to determine whether or not there was to be a separate preliminary hearing as to jurisdiction.

Reading Council for Racial Equality v. Templeton; 20 January 1999; EAT/54/99
E.A.T.: Charles J., Mr. T. C. Thomas and Mr. A. D. Tuffin

PRACTICE

An industrial tribunal dismissed a complaint by a member of the Territorial Army that she had been discriminated against on the ground of sex during training and in being discharged.

MORISON J., allowing an appeal by the applicant, said that the tribunal had made findings in apparent contradiction to the evidence given and had failed to consider whether the applicant's discharge was less favourable treatment by reason of her sex. The appeal tribunal were also concerned about an allegation that the chairman of the tribunal had appeared to be asleep for periods of 10 to 15 minutes at a time and that that had adversely affected the applicant's claim as evidence had been misunderstood. Closing one's eyes to indicate that an advocate was not being persuasive was not a suitable technique for an employment tribunal chairman or member. While it was clearly preferable that advocates, representatives or parties themselves should complain at the time that a tribunal did not appear to be fully alert, in the context of litigation in employment tribunals it was unrealistic to expect that that would always be sensible or practicable. There was an obvious distinction from the circumstances in *Reg. v. Moringiello*, The Times, 25 July 1997, where there was a criminal trial before a judge and jury and it would have been possible to make an application in the jury's absence about the judge going to sleep without fear that umbrage might be taken and facts found against the complainant. It would be a denial of justice were the appeal tribunal to refuse to intervene where a chairman appeared to be asleep, or guilty of other misconduct, because no complaint had been made at the time. That said, when judging whether there had been an appearance of bias or impropriety, whether or not a contemporaneous complaint had been made would be relevant.

Kudrath v. Ministry of Defence; 26 April 1999; EAT/422/97
E.A.T.: Morison J., Mr. R. Jackson and Mr. B. Warman

PRACTICE

One of the lay members of an industrial tribunal, which determined on a preliminary issue that it had jurisdiction to hear an employee's complaints of sex and race discrimination, had worked for, and for a time been in dispute with, a predecessor of the employers but did not disclose that connection. The connection was well known to the employers, who took the view that he should not adjudicate on cases involving them.

MORISON J., allowing an appeal by the employers who contended that had they known who the lay member was they would have objected, said that when the lay member was asked to comment it was clear that he would have declared a potential risk of apparent bias, and possibly disqualified himself, had he been aware that, in an earlier case in 1993 involving another successor company, the appeal tribunal had indicated that the same lay member should have disclosed his connection with London Transport. In those circumstances, there would have to be a rehearing. For future guidance, it should be made absolutely clear that the duty of disclosure was a high one. It was compatible with the general trend that people who sat on various bodies, whether of a legal nature or not, should make full disclosure of their potential interests. Because that was a high duty and of wide ambit, it would not be in every case where such disclosure had been made before the hearing began that objection could legitimately be taken to the individual concerned. In the present case it would have been better if the lay member had disclosed his previous connection with London Transport Executive. It was a nice question as to whether, having made that disclosure, the tribunal would have thought that he was no longer a person who should [not] have sat in that particular tribunal, bearing in mind that the events relating to his own employment were very nearly 15 years ago.

London Underground Ltd. v. Ayanbadejo; 18 February 1999; EAT/1160/97
E.A.T.: Morison J., Mr. L. D. Cowan and Mr. G. H. Wright

[1999] I.C.R. Part 6

BIAS

An employee whose complaint of race discrimination was dismissed by an industrial tribunal appealed on the ground, inter alia, that the chairman of the tribunal had shown hostility towards him in his comments and actions.

CHARLES J., dismissing the appeal, said that the facts were not agreed. The Employment Appeal Tribunal decided in *Roberts v. United Friendly Insurance Plc.* (EAT/436/95) that, in respect of allegations of bias, as a matter of policy, the account of the members of the tribunal should be preferred where there was disagreement. The majority view of the appeal tribunal was that *Roberts* referred to earlier authority which did not support a conclusion that members of a tribunal could not be compelled to give evidence. While it was undesirable that members should be called on to give oral evidence, it was not a matter of policy that they should never be ordered to do so. Such a policy could lead to the issue not being dealt with fairly. It was a basic proposition of the present law that parties should have a fair trial; and that was also part of the Convention for the Protection of Human Rights and Fundamental Freedoms (1953): see article 6. In the present case, however, even if the employee's allegations were assumed to be correct, they did not establish bias on the approach laid down in *Peter Simper & Co. Ltd. v. Cooke* [1986] I.R.L.R. 19.

Usman v. Watford Borough Council; 14 April 1999; EAT/169/98
E.A.T.: Charles J., Mr. J. A. Scouller and Ms B. Switzer

CONSTRUCTIVE DISMISSAL

On an employee's complaint that he had been unfairly dismissed and re-engaged, the industrial tribunal found that there had been a breach by the employers of the contract of employment such as would have entitled the employee to terminate the contract but that he had not done so and, accordingly, there had been no constructive dismissal.

HOLLAND J., allowing a cross-appeal by the employers, said that from 1993 the employee had been permanently on the employers' night shift, though under his written terms and conditions the shift patterns could be changed after consultation and subject to notice. In January 1996, following a series of meetings, it was made plain to him that as from 18 February he was no longer to be on night shift. In March he complained of loss of earnings and that he was regarded as a permanent casual worker. The employee pointed to the contractual entitlement to consultation and submitted that a late introduction of a "last in, first out" approach precluded meaningful consultation. Whether or no there was any breach of contract, there was certainly no breach that could have entitled the employee to terminate the contract. The industrial tribunal must have misdirected itself as to the law. For mere impairment of the consultation process to be significant and going to the root of the employment, there would have to have been some remarkable facts—and there were not. Though the issues raised by the appeal did not arise, the appeal tribunal accepted the employee's submission that the industrial tribunal's rejection of his claim simply on the basis that he had not terminated the contract and that he had continued to work for the employers reflected a misunderstanding of the law. But, had it ruled on the question whether there had been a timely acceptance of the repudiation so as to terminate the contract, it could not have failed to find that there had been no clear acceptance until the ITI on 17 June 1996, and then it was too late.

Woodhall v. Greggs Plc.; 13 April 1999; EAT/717/98
E.A.T.: Holland J., Mrs. T. A. Marsland, Prof. P. D. Wickens

DISCOVERY

An employee who was dismissed for misconduct complained that the dismissal was unfair, contending that the allegations of misconduct were spurious and the procedure adopted was unfair. The employers sought discovery of itemised telephone accounts for the employee's mobile phone and home telephone line. The chairman of the industrial tribunal refused to make an order on the ground that the documents sought could not be relevant to the question of whether the dismissal was fair as that depended on the evidence available to the employers at the time of their decision to dismiss.

JUDGE PETER CLARK, dismissing an interlocutory appeal by the employers, said that under rule 4(1)(*a*) of the Employment Tribunals Rules of Procedure 1993 a tribunal could grant such discovery as might be ordered by a county court. Under Ord. 14, r. 1 of the County Court Rules discovery could be ordered of documents which were relevant to any matter in question in the proceedings and by rule 8(1) the guiding principle was that discovery would be ordered if the documents were necessary for disposing fairly of the matter or for saving costs. The documents sought on discovery were not strictly relevant to the issue of the fairness of the dismissal. However, they were prima facie relevant to the issue of remedy if the dismissal was held to be unfair. The employers argued that discovery was necessary so that they might cross-examine the employee as to credibility. That was not a proper basis, of itself, for ordering discovery. Nor was it a sufficient reason to overturn the chairman's exercise of his discretion for the employers to claim that discovery would enable them to assess the overall strength of their case. If the employers failed on fairness, they would then have discovery prior to the remedy hearing. It was common practice for unfair dismissal complaints to be heard in two stages. No costs would be saved by discovery at the present stage.

Mags Express v. Gerrard; 18 March 1999; EAT/1507/98
E.A.T.: Judge Peter Clark, Mr. I. Ezekiel and Mr. D. A. C. Lambert

PRACTICE

Three complaints by an employee of detriment contrary to section 44 of the Employment Rights Act 1996 were adjourned by consent at a hearing before an industrial tribunal chairman on 22 May 1998. No order was drawn up but a letter from the tribunal on 25 August 1998 stated that the cases were adjourned because the employee had not suffered any detriment at the time of the hearing. On 24 November 1998 at a directions hearing another chairman ordered that on the hearing of a further complaint by the employee, of unfair dismissal, the tribunal should first decide whether the employee was estopped from pursuing his earlier complaints.

MORISON J., dismissing an application for costs on the withdrawal of an appeal by the employee, said that whether the letter of 25 August was to be treated as an order or simply as a commentary by a chairman as to what took place was unclear. Also, it was not clear how a question of estoppel could arise on the basis of that letter. Even if a concession had been made, it would be appropriate for a tribunal to permit it to be withdrawn, if there was some reason to explain it. It also appeared that, no doubt in an endeavour to be helpful, the second chairman had discussed the matter with the first chairman and had sought his notes relating to the hearing. In the view of the appeal tribunal, one tribunal chairman did not have the power to ask for notes of a hearing determined by another chairman. If an order was made following a hearing that represented the determination of the tribunal which was binding on the parties unless set aside by the appeal tribunal. What the industrial tribunal did or did not take into account in arriving at its decision was of no concern to the industrial tribunal which was going to continue with the case. Against that background one could understand the appeal being made and it was unfair to say that it was wholly unnecessary. Nor was the conduct of the employee unreasonable.

Neckles v. Yorkshire Rider; 18 February 1999; EAT/1509/98
E.A.T.: Morison J., Mr. P. Dawson and Mr. T. C. Thomas

PRACTICE

An applicant, who had made five complaints of unlawful discrimination against his union, appealed from an interlocutory decision of the employment tribunal refusing his request for further and better particulars in relation to the fourth and fifth complaints.

MORISON J., dismissing the appeal and giving directions, said that it was apparent that a large part of the time before the tribunal on the applicant's earlier complaints had been taken up by witnesses reading their witness statements which had not been disclosed to the applicant beforehand. The purpose of having an exchange of witness statements was to avoid the need for examination in chief and one would anticipate that a chairman would be parsimonious in his approach to leave to amplify it. The employment tribunal, before embarking on the hearing, should be given sufficient time itself to read the documents and, in particular, the exchanged witness statements. If that was done, it would be unnecessary and undesirable that witnesses should be required to read out their statements. Though the appeal was dismissed, the applicant would achieve the information he sought by a different process.

Shahrokni v. NATFHE; 22 April 1999; EAT/486/99
E.A.T.: Morison J., Miss C. Holroyd and Mr. D. A. C. Lambert

TIME LIMIT

By a decision sent to the parties on 30 December 1997 an employee's complaint of unlawful deduction of wages was upheld by an industrial tribunal. The employers posted a notice of appeal on 28 December 1998 but it was not received by the Employment Appeal Tribunal until 24 July 1998, 164 days outside the 42-day time limit for appealing prescribed by rule 3 of the Employment Appeal Tribunal Rules 1993. The Registrar refused to extend time for appealing.

MORISON J., dismissing the employers' appeal, said that the question arose as to who took the risk when a document was allegedly sent to the appeal tribunal and was not received. The employers submitted that they could not be held responsible for postal delays. It seemed to his Lordship, very clearly, that it was the responsibility of an appellant to get his notice of appeal to the court. Posting might be a reasonable method of ensuring that that happened. But, bearing in mind that there were known to be postal delays, unless the notice of appeal was acknowledged within a relatively short period, such as 14 days, the appellant was acting unreasonably in pursuing his appeal in the sense that he had not taken steps to ensure it had been received. Nearly six months had elapsed between the date when the notice of appeal was sent and the date when there was communication with the appeal tribunal. In those circumstances, it was not an appropriate case for the exercise of discretion in favour of the appellant.

IGW Group v. Maxfield; 17 May 1999; PA/905/98
E.A.T.: Morison J. (in chambers)

UNFAIR DISMISSAL

A bus driver who refused to accept less favourable terms of employment, negotiated by the union to enable London Transport to improve its chances in tendering for its bus routes, was dismissed on 12 weeks' notice. On his complaint of unfair dismissal, the industrial tribunal found that the employer had acted reasonably in all respects.

JUDGE BYRT Q.C., dismissing an appeal by the driver, said that it was submitted that the tribunal had failed to take account of the employer's obligation as an emanation of the state to apply Council Regulation (E.E.C.) No. 3820/85 on road transport. The tribunal found that the employer was a commercial concern and made no finding that it acted under a statutory power to provide a service or enjoyed any special power. Accordingly, the argument that the employer was an emanation of the state could not be sustained. It was also submitted that, in assessing the reasonableness of the employer's decision to dismiss, the tribunal should have taken account of articles 2, 3, 5, 118a and 120 of the E.C. Treaty, in conjunction with Council Directive 93/104 and a Recommendation of 22 July 1975. It was undesirable to complicate the test in section 98(4) of the Employment Rights Act 1996. Though there was no reason why an employer should not take Community law into account, the law which he must apply should be limited to the most obvious propositions of employment law and such other relevant law as was brought to his attention by the employee. Even when law was drawn to his attention, it would often only afford guidance. It was for an employment tribunal to decide whether he had, on the facts and the law, come to a reasonable/fair decision.

Hillman v. London General Transport Services Ltd.; 14 April 1999; EAT/498/97
E.A.T.: Judge Byrt Q.C., Dr. D. Grieves and Mrs. E. Hart

[1999] I.C.R. Part 7

AMENDMENT

An applicant who identified his complaint as "race discrimination" in box 1 of his originating application was refused leave to amend to add a claim of victimisation on the ground that it was out of time and that it would not be just and equitable to extend time.

Judge Peter Clark, dismissing an appeal by the applicant, said that the applicant relied on the dictum of Buckley J. in *Quarcoopome v. Sock Shop Holdings Ltd.* [1995] I.R.L.R. 353 that a claim of race discrimination included a claim of victimisation. The employers relied on *Housing Corporation v. Bryant* [1999] I.C.R. 123 where an applicant presented an originating application alleging unfair dismissal in time and a claim of sex discrimination out of time. The Court of Appeal held that the proposed amendment raised a new claim; nowhere in the original pleading was any link made between any protected act and the dismissal. In the present case, in the light of the authorities, the claim of victimisation was a new claim. The observation by Buckley J. should be treated as obiter and could not properly stand in the light of *Bryant*.

Lewis v. Blue Arrow Care Ltd.; 23 June 1999; EAT/694/99
E.A.T.: Judge Peter Clark, Mr. P. A. L. Parker and Ms B. Switzer

DAMAGES

An industrial tribunal awarded an employee damages for breach of contract in respect of his claim that he was entitled to an enhanced redundancy payment and compensation for unfair dismissal.

Judge Peter Clark, allowing the employers' appeal against the amount of damages, said that, in assessing damages flowing from the breach of contract, a deduction should have been made for the statutory redundancy payment. The industrial tribunal had been wrong to accept the employee's submission that, since under section 122(4) of the Employment Rights Act 1996 the amount of the basic award recoverable for unfair dismissal was extinguished by the redundancy payment, the employee was being required to give credit twice: once in the damages for breach of contract and again in the basic award element of compensation for unfair dismissal. The object of damages was to put the employee in the position he would have been in had the employers' contractual obligation been fulfilled. Thus, had the enhanced payment been made, he would have been left with a sum which included the statutory redundancy payment, and his basic award in the unfair dismissal claim would have been extinguished. The effect of the tribunal's award had been to give him an additional sum equal to the statutory redundancy payment. But, in calculating the compensatory award, credit did not have to be given for the enhanced redundancy payment. Where an amount was paid by an employer on termination over and above the statutory entitlement, it had to be taken into account in reducing the overall loss. That was not, however, the present case.

The entitlement to the enhanced payment was cancelled out by the award in the breach of contract claim and, in those circumstances, did not fall to be deducted.

RPC Containers Ltd. v. Neville; 21 January 1999; EAT/1246/97
E.A.T.: Judge Peter Clark, Mr. T. C. Thomas and Mr. D. A. C. Lambert

PROCEDURE

An applicant for a teaching post was sent by the local education authority first to one college and then to a second, both of which refused to accept him as a tutor. He brought proceedings against the education authority and the colleges, alleging, inter alia, that he had been unlawfully refused access to employment because of trade union membership and activities, contrary to section 137(1)(*a*) of the Trade Union and Labour Relations Consolidation Act 1992. An employment tribunal chairman dismissed the colleges from the proceedings.

JUDGE PETER CLARK, allowing an appeal by the applicant, said that, where there was a dispute as to which respondent was liable in the event that a complaint of trade union discrimination was made out, it was wholly inappropriate for that issue to be determined at a directions hearing without proper evidence and arguments. That was an issue in the proceedings which could only be determined at a full merits hearing. It was enough that the applicant had made out a prima facie case for joinder. It was important that employment tribunals had before them all parties necessary for the fair determination of the issues raised. The key issue was why the applicant was rejected by both colleges. If they were not parties, there was a greater likelihood that evidence might not be called from the very bodies that had rejected him.

Proudfoot v. Bromley London Borough Council; 10 June 1999; EAT/399 & 400/99
E.A.T.: Judge Peter Clark, Mr. E. Hammond and Miss D. Whittingham

STAYING PROCEEDINGS

Following the presentation on 25 September 1998 of complaints by an employee of unfair dismissal and unlawful deductions from wages, his employers commenced proceedings in the county court on 7 November 1998, asserting that the employee had been guilty of serious breaches of contract. The hearing in the employment tribunal was due to commence on 8 April 1999, and the employers, encouraged by a report [of *Chorion Plc. v. Lane*] in The Times, 7 April 1999, applied to stay the complaints pending determination of the county court proceedings, A stay was refused.

MORISON J., dismissing an interlocutory appeal by the employers, said that the employment tribunal had accepted that there was some duplication between the issues in the two sets of proceedings but rejected submissions that they were complex and more suitable for determination in a formal court. The employers submitted that the tribunal had understated the overlap between the proceedings, underestimated the complexity and overstated the significance of the delay in applying for a stay. But, the extent to which there was in fact duplication was debatable, and employment tribunals were not constitutionally likely to approach the complex issues of fact any less carefully than the county court or the High Court, nor were their procedures such as to make their decision less reliable. There were obviously advantages and disadvantages in taking one set of proceedings before the other. That was the balancing exercise the employment tribunal had to carry out. They had not erred in law and their decision was the right one in all the circumstances.

Charles Reynolds & Associates Ltd. v. Dand; 13 May 1999; EAT/585/99
E.A.T.: Morison J., Miss A. Mackie and Mr. G. H. Wright

SEX DISCRIMINATION

When a counter assistant at a sandwich shop at which chicken was cooked and sold became pregnant, she informed her manager that the smell of the food made her feel sick and that she could not come to work. An industrial tribunal, inter alia, dismissed her complaint that the employers' failure to carry out any risk assessment in accordance with regulations

3(1) and 13A(1) of the Management of Health and Safety at Work Regulations 1992 amounted to unlawful discrimination on the ground of sex.

LINDSAY J., allowing an appeal by the employee, said that the need for an assessment of risk to the health and safety of employees under regulation 3 was triggered by the fact of employment, and the special kind of assessment required by regulation 13A(1) arose where there were women, or even one woman, of child-bearing age employed and was at that stage of a general nature. It was clear that the employers never conducted any such assessments and there was no evidence of what any assessment would have disclosed. The industrial tribunal misdirected itself in suggesting that regulation 13A(1) only applied the moment an employer had a pregnant employee and in failing to contemplate that the fact there had been no earlier assessment might have represented a detriment to the employee. The appeal tribunal could not be sure that that did not prejudice the employee's case. The case would be remitted to the same tribunal to consider to what extent, if any, the employee had been subjected to a detriment within the meaning of section 6(2)(*b*) of the Sex Discrimination Act 1975 by reason of the employers' failure to carry out a risk assessment under regulations 3(1) and 13A(1) not later than when the employee started working for the employers; also, whether she suffered detriment by reason of any failure to consider what steps were needed under regulation 13A(2) or (3), at which stage an employer was assessing the case of the particular employee.

Day v. T. Pickles Farms Ltd.; 10 November 1998; EAT/369/98
E.A.T.: Lindsay J., Mrs. E. Hart and Mr. J. C. Shrigley

TERMINATION OF EMPLOYMENT

On 3 December 1997 an employee was orally dismissed at a meeting held to consider his fitness for work. On 8 December the employer wrote a letter, which the employee said he did not receive, purporting to confirm what had been discussed and saying that the employee's employment would terminate with effect from 3 December with 12 weeks' pay in lieu of notice. The employee presented complaints of unfair dismissal and disability discrimination on 17 April 1998, which were held to be in time.

JUDGE PETER CLARK, allowing a cross-appeal by the employee, said that, where the act of discrimination complained of was dismissal by reason of disability, time ran from the date on which the employee found himself out of a job. Thus, the question on both complaints was the same: what was the effective date of termination of the contract? The employment tribunal chairman appeared to have resolved the issue *solely* by reference to the wording of the letter, which he concluded amounted to dismissal on 12 weeks' notice without requiring attendance at work. The appeal tribunal would make no ruling on the correctness of the chairman's construction, because, following *Leech v. Preston Borough Council* [1985] I.C.R. 193, it was necessary to determine not only what had been said at the meeting but what the employee's understanding of the position was, bearing in mind his illness and that, apparently, he did not receive the letter. The letter could not of itself determine the question of the employee's understanding as to his position: instant dismissal or dismissal on 12 weeks' notice. That was an evidential question which would have to be remitted to a fresh tribunal.

MMD (Shipping Services) Ltd. v. Philpott; 13 May 1999; EAT/943/98
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mrs. R. A. Vickers

TIME LIMIT

Following his dismissal on 12 January 1998, an employee's solicitors posted an originating application to the industrial tribunal on 9 April 1998, which was the Thursday before Good Friday, complaining that he had been unfairly dismissed. The application was stamped by the tribunal "Received 14 April 1998." At a preliminary hearing on 2 June 1998 an industrial tribunal chairman decided that the complaint was out of time.

LINDSAY J., allowing an appeal by the employee, said that on 11 June 1998 the Post Office had written to the employee's solicitors saying that deliveries to the industrial tribunal had resumed on Easter Saturday. It was unclear what, if any, evidence had been before the tribunal on 2 June. There were, of course, matters of which judicial notice could be taken, but, where that was done, the judge concerned should so indicate. Given the consequence of a ruling against the employee, evidence properly so-called was necessary. A series of questions arose which required to be dealt with by *evidence*. Did the industrial tribunal stamp preclude the application having arrived on Saturday, 11 April 1998? Was there normally a Saturday post, and, if so, was it kept separate from the first post of the following week? There appeared to have been no evidence on which the tribunal chairman could have concluded that the application had not been received until 14 April. The matter would be remitted to a different tribunal.

Hill v. HMV (UK) Ltd.; 22 April 1999; EAT/925/98
E.A.T.: Lindsay J., Ms D. Warwick and Miss D. Whittingham

UNFAIR DISMISSAL

After receiving a letter from the local authority recommending that a member of staff at a care home for the elderly should be placed on the list of persons regarded as undesirable for such employment, the care home dismissed her. On the employee's complaint of unfair dismissal an industrial tribunal held, inter alia, that the content of the letter was the reason for the dismissal and that it amounted in law to some other substantial reason justifying dismissal.

Judge C. Smith Q.C., dismissing an appeal by the employee, said that the employee's main submission was, relying on *Lavelle v. Alloa Brewery Co. Ltd.* (EAT/655/85), a decision of the Employment Appeal Tribunal in Scotland, that the industrial tribunal erred in deciding that "improper third party pressure" was capable of being a potentially fair reason to dismiss the employee. Even assuming *Lavelle* was correct on its very special facts, it did not lay down any general principle qualifying in any way the broad wording of section 98(1)(*b*) of the Employment Rights Act 1996 and was to be sharply distinguished from the present case in which there was apparently no improper pressure whatsoever brought to bear on the care home by the local authority. What was improper, on the findings of the industrial tribunal, was the procedure the local authority had followed in reaching the decisions in the letter. The general principle was to be found in *Dobie v. Burns International Security Services (UK) Ltd.* [1984] I.C.R. 812: a dismissal at the behest of a third party, at least where no improper pressure was involved, was potentially a fair dismissal within section 98(1)(*b*), provided the industrial tribunal considered whether the employer had taken into account the potential injustice to the employee when considering fairness under section 98(4).

Davenport v. Taptonholme Home for Elderly People Ltd.; 14 January 1999; EAT/559/98
E.A.T.: Judge C. Smith Q.C., Mr. S. M. Springer and Miss D. Whittingham

[1999] I.C.R. Part 8

BIAS

At the start of the hearing of a complaint of breach of contract, where the applicant was in person and her employers, a firm of solicitors, had instructed counsel, the industrial tribunal chairman, who was sitting alone, indicated that he knew one of the employers' key witnesses and invited the applicant to consider whether she wished him to continue to hear the case. The applicant indicated that she wished to continue. Her complaint was dismissed.

Morison J., allowing an appeal by the applicant, said that, without limiting the responsibility on chairmen to make full and proper disclosure of any connection of any sort that might thereafter be thought to have influenced the way they had arrived at their decision, one could divide the circumstances in which a court might have to disclose a connection with a case into two categories. The first was connection with the litigation, such as contact with the parties, their witnesses or the dispute itself. In such a case it would be the chairman's duty to recuse himself, preferably before he ever got into court. The second category was where there was a broad type of connection, such as where the chairman had an indirect interest in the outcome of the litigation, for example, holding a few shares in a very large corporation which was a party and the result could affect the share price. There it would be appropriate to invite the parties to say whether they objected to his continuing to sit and, if either party objected, it would be his duty to recuse himself. The way a chairman should deal with that situation would be affected by the fact that a party was legally unrepresented. It was his duty to make that party feel, through guidance, quite entitled to object. In the present case the applicant should not have been asked for consent. The chairman should have recused himself.

Chaffin v. Wansboroughs Willey Hargrave; 7 June 1999; EAT/65/98
E.A.T.: Morison J., Lord Gladwin of Clee and Mr. J. A. Scouller

COLLECTIVE AGREEMENT

An agreement negotiated annually between employers and a trade union gave employees in 1995 an overall pay increase but reduced their weekend rate. An industrial tribunal dismissed complaints by employees of unauthorised deductions from their wages contrary to section 13 of the Employment Rights Act 1996 on the ground that, in accordance with custom and practice, the agreement was incorporated into their contracts of employment.

LINDSAY J., allowing an appeal by the employees and remitting the case to be reheard by a fresh tribunal, said that the union had asserted in letters to employees that it had legal authority to act on behalf of all staff, but one did not acquire authority simply by stating that one had it, and the employees' contracts made no express provision for any role of the union in relation to changes in terms of employment. The industrial tribunal had found that there was an implied term of incorporation by custom and practice. There was force in the employees' argument that habitual acceptance of the benefits of collective agreements did not lead of itself to a contractual obligation that collective agreements were binding and that the tribunal should have looked for something beyond expediency that showed that the employees had accepted, as a legal obligation, that they were bound by the collective agreement. The tribunal had failed to ask whether by accepting the annual pay increase the employees had assumed the legal obligation to observe the collectively negotiated terms.

Healy v. Corporation of London; 24 June 1999; EAT/761/98
E.A.T.: Lindsay J., Mr. D. Jenkins and Mr. T. Thomas

COSTS

An industrial tribunal chairman made an order for costs against employees who had been unsuccessful in their claims under regulation 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, such costs to be taxed on an indemnity basis on the higher county court scale.

LINDSAY J., dismissing an appeal by the employees, said that the appeal was on the ground, inter alia, that the tribunal had exceeded its jurisdiction in specifying an indemnity basis of taxation. The employees submitted that rule 12(6) of the Industrial Tribunals Rules of Procedure 1993 made no provision as to the basis of taxation and that there was no jurisdiction to order taxation on an indemnity basis. The appeal tribunal accepted the respondent's argument that nothing in rule 12(6) prohibited an order for taxation on an indemnity basis in an appropriate case. The employees then argued that the indemnity basis was used to reflect unreasonable behaviour, that an award of costs in the tribunal could only be made where there had been some unreasonable behaviour, and thus to order costs on an indemnity basis amounted to a double penalty. It was not correct to regard an order for costs as penal; it was compensatory, compensating the successful respondent for expense to which it had been put unreasonably. It was not the case, in any event, that the indemnity basis could only be ordered where there was deception or underhand conduct. There was no ground for interfering with the chairman's ruling as to the appropriate basis of taxation.

Benyon v. Scadden; 16 April 1999; EAT/1269/98
E.A.T.: Lindsay J., Mr. D. Jenkins and Mr. B. Warman

COSTS

At the hearing of an appeal from a finding of racial discrimination against a named individual and "all other members of the Labour Party," the complainant's representative objected to one of the members of the appeal tribunal on the ground that he was a member of the Labour Party.

Lindsay J., adjourning the appeal, said that the appeal tribunal thought it right, without giving any formal reasons, to accede to the objection and recuse itself in its particular constitution. The complainant resisted an order for the costs thrown away on the ground that it should have been self-evident that, where "all other members of the Labour Party" were amongst the parties to a case, the appeal tribunal would not include a member of the Labour Party. If objection of the present character was to be taken in future, it behoved the party objecting clearly to draw to the attention of the appeal tribunal, not only the technical existence of an objection, but also that the objection would in fact be mounted. Although the appeal tribunal had not found it easy to exonerate the complainant and his advisers for failing to make clear that an objection would be raised, there would be no order for costs.

Sawyer v. Ahsan; 5 May 1999; EAT/1299/98
E.A.T.: Lindsay J., Mr. I. Ezekiel and Mr. P. R. A. Jacques

MISCONDUCT

An employee, who had been dismissed for gross misconduct, submitted that he was so shattered by the decision of the employment tribunal dismissing his complaint of unfair dismissal that he had been unable to file a notice of appeal in time.

Morison J., dismissing an appeal by the employee from the registrar's refusal to extend time, said that the notice of appeal was 426 days outside the time limit and no reasonable explanation for the delay had been provided, but, in any event, it would have been unlikely that the appeal tribunal would have been able to re-evaluate the facts. The case was one where the employee believed he had been damaged by the tribunal process itself, quite apart from the affront which he felt on being dismissed after 11 years' faithful service. It was a matter of some concern to the President that on occasion the decisions of employment tribunals in misconduct cases slipped from the question of whether the employer reasonably believed that the employee did or did not do the acts complained of to whether in their judgment the employee did or did not do the acts, so that an employee, who gave evidence but did not call all the evidence which might have been available to him to deal with the misconduct, found that the tribunal had said expressly or implicitly that he was actually guilty of the misconduct alleged, rather than confining themselves to the technical question as to whether the employer reasonably believed that the employee had committed the misconduct on the basis of the information available to the employer at the time when the decision to dismiss was taken.

Bryan v. British Telecommunications Plc.; 6 July 1999; PA/1065/98
E.A.T.: Morison J. (in chambers)

PRACTICE

At the close of the employer's evidence on a complaint of unfair dismissal where the employer had presented its case first, the industrial tribunal called the legal representatives before them and, in the absence of the parties, indicated that, whereas they had not reached any conclusion, they were unhappy with the employer's investigation into the alleged mismanagement and suggested that the parties might attempt to reach a settlement. No agreement was reached and the tribunal upheld the employee's complaint.

Lindsay J., dismissing an appeal by the employer, said that calling representatives into chambers was a manifestly dangerous course. Even when good notes were taken, there could be disputes about what had been said and done. However, when sensitively handled by an experienced tribunal, the technique could save further hostility, further costs and time. There was no proposition that it was invariably an error of law to call in representatives before evidence on both sides was concluded and to give them the tribunal's preliminary view of the evidence to date with a view to encouraging a compromise.

Huntingdon Life Sciences Ltd. v. Kirkby; 12 May 1999; EAT/435/98
E.A.T.: Lindsay J., Mr. J. C. Shrigley and Mr. P. M. Smith

PRACTICE

An employment tribunal made an order that the applicant's complaint of unfair dismissal and breach of contract should not be heard on its merits until after the appeal tribunal had heard an appeal by the respondent against the tribunal's decision that it had jurisdiction to hear the complaint.

Morison J., allowing an appeal by the applicant, said that the order was a manifestly wrong exercise of the employment tribunal's discretion. Once the tribunal had held that it had jurisdiction to hear and determine the applicant's complaint, it was its duty to get on with the case as soon as reasonably practicable. It would be rare, if ever, that it would be appropriate for an employment tribunal to stay further proceedings pending an appeal. Employment tribunals were designed to provide a speedy and effective remedy for those who had complaints arising out of their employment relationships. To make the order made in the present case seemed to be a negation of the principal duty of the employment tribunal. The guidance given in *Sutcliffe v. Big C's Marine Ltd.* [1998] I.C.R. 913 should be re-emphasised. Employment tribunals should regard applications brought before them as requiring to be determined in one session leading to one decision.

Turner v. Harada Ltd.; 23 March 1999; EAT/310/99
E.A.T.: Morison J., Dr. D. Grieves and Mrs. T. A. Marsland

PROCEDURE

An industrial tribunal chairman, who had conducted a pre-hearing review on an employee's complaint of unfair dismissal, later made an order combining that claim with complaints by other employees stemming from the same allegations against the same employer. He then went on to chair the tribunal at the substantive hearing of the claims, having forgotten that he had taken the pre-hearing review, and dismissed them. On a review, the tribunal revoked its decision in the case of the first employee, by reason of rule 7(9) of the Industrial Tribunals Rules of Procedure 1993, but upheld the decisions on the other complaints.

Lindsay J., dismissing appeals by the employees, said that under rule 7(9) the chairman could not be a member of the tribunal at the substantive hearing of the complaint in respect of which he had dealt with the pre-hearing review. The question was whether the rule went beyond that. On a literal construction of rule 7(9), it did not preclude a chairman who had heard a pre-hearing review in case A from hearing cases B, C and D substantively, merely on the ground that those cases had been later combined with case A. It was no doubt desirable that it should not occur, but if, perchance, it did rule 7(9) would not have been broken as to cases B, C and D; rather the position would be that the matter should then be considered in the light of the general justice of the case. There was no suggestion of actual bias or prejudice in the present case, and the industrial tribunal had considered the substantive cases of the employees separately. Also, the interests of justice required that the employer's position be considered as well as the employees' position. The appeal tribunal had been able to find no injustice in the tribunal's decision.

Lodhi v. United Bank Ltd.; 24 May 1999; EAT/1101/98
E.A.T.: Lindsay J., Mr. P. Dawson and Mrs. R. A. Vickers

[1999] I.C.R. Part 9

COMPENSATION

An industrial tribunal upheld an employee's complaints of unfair constructive dismissal and sex discrimination, and at a remedies hearing awarded no compensation for future loss of earnings on the ground that the chain of causation had been broken when the employee embarked on a design course the day after her resignation.

Judge Peter Clark, allowing an appeal by the employee, said that the industrial tribunal had directed itself in accordance with *Simrad Ltd. v. Scott* [1997] I.R.L.R.147 and held that, although the employer's actions were the causa sine qua non of the employee's subsequent losses, the immediate cause was her decision to embark on a new career. The employee attacked the tribunal's approach to causation based on *Simrad Ltd. v. Scott*. In *Leonard v. Strathclyde Buses Ltd.* [1998] I.R.L.R. 693 Lord Coulsfield had referred to *Simrad Ltd. v.*

Scott and concluded that it was inconsistent with the decision in *Norton Tool Co. Ltd. v. Tewson* [1972] I.C.R. 501 to introduce principles of foreseeability or remoteness, in the technical sense in which those concepts applied in other contexts, when considering what was just and equitable under section 123(1) of the Employment Rights Act 1996. The appeal tribunal preferred the submissions of the employee, supported by the approach of the Court of Session in *Leonard's* case. It was plain, on the facts, that but for the discriminatory acts of the employer the employee would have remained in its employment and not embarked on her design course. The losses flowing from those acts and her unfair dismissal were recoverable under the sex discrimination or the unfair dismissal claim (but not both), subject to her duty to mitigate.

Larkin v. Korean Airlines Co. Ltd.; 24 August 1999; EAT/1241/98
E.A.T.: Judge Peter Clark, Mr. L. Cowan and Lord Gladwin of Clee

COMPENSATION

An industrial tribunal upheld an employee's complaint that he had been unfairly dismissed on the ground of his trade union membership. Between the decision on liability and the remedies hearing the employee's representative indicated that the employee was seeking an order for reinstatement or re-engagement. At the remedies hearing the tribunal held that the employee was not entitled to a special award pursuant to section 157(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, because he had not requested reinstatement or re-engagement in his complaint, "as required by section 157(1)(*a*)."

MORISON J., allowing an appeal by the employee, said that section 157(1) had been incorrectly reproduced. The words in paragraph (*a*) were not "the complaint does not request," as reproduced in *Butterworths Employment Law Handbook* and other publications (as a result of an error in transmission to the Queen's Printer), but "the complainant does not request." The whole basis of the tribunal's decision was false. It was clear—and should be noted for future reference—that the word in section 157(1)(*a*) should read "complainant." The words "the complainant does not request the tribunal" were perfectly apt to cover a position where the complainant was expressing his request after succeeding on liability. Further, the appeal tribunal wished to stress the need for employment tribunals, in every unfair dismissal case where the complainant had succeeded, to invite the complainant [pursuant to section 112 of the Employment Rights Act 1996] to state whether he wanted to be reinstated or re-engaged and to consider that potential remedy before moving on to compensation. The employee was entitled to a special award calculated in accordance with section 158(1). It was a peculiar feature of that part of the Act of 1992 that asking for reinstatement acted as a trigger for a special award, whether or not such an order was practicable, and applicants would be well advised in such cases to include a claim for reinstatement in their originating applications.

Pittaway v. Street-To-Street Ltd.; 6 July 1999; EAT/1467/98
E.A.T.: Morison J., Lord Davies of Coity and Mr. A. E. R. Manners

DISABILITY DISCRIMINATION

An employment tribunal found that an applicant complaining of disability discrimination suffered from a disability relating to the use of her right hand and arm such that she was unable to carry out a number of household tasks, including preparing vegetables, cutting meat, carrying full saucepans or a loaded tray, polishing furniture and moving a chair when sitting down at or getting up from a table, but held that she did not suffer from an impairment which had a substantial adverse effect on her ability to carry out her normal day-to-day activities within the meaning of section 1(1) of the Disability Discrimination Act 1996.

MORISON J., allowing an appeal by the applicant and substituting a finding that she was disabled, said that the employment tribunal must have approached the case on the basis that "substantial" in section 1(1) meant more than it did in the context. Paragraph 6 of Annex 1 to the Code of Practice: Disability Discrimination (1996) defined it as something more than minor or trivial which reflected the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people. The Guidance issued by the Secretary of State stated that in the vast majority of cases there was unlikely to be any doubt as to whether a person had a disability: it would, therefore, only be of assistance in marginal cases. In the present case there was no need for the tribunal to refer to the Guidance. Having concluded that the ability of the applicant to do the activities they specified was impaired, the tribunal inevitably should have concluded that the applicant was a person suffering a disability within the meaning of the Act. Instead, they appeared to have used the Guidance in a somewhat literal fashion so as to arrive at the surprising conclusion that the applicant was not substantially impaired in her ability to carry out normal day-to-day activities. Further, it was obvious that making beds, sewing and cutting with scissors, minor DIY tasks, filing one's nails, curling hair and ironing would be regarded as normal day-to-day activities, yet the tribunal had dismissed the applicant's inability to carry out those functions without pain on the ground that they were not normal day-to-day activities. Also, the fact that a person was able to mitigate the effects of their disability (such as by relying on shoulder rather than handheld bags) did not mean they were not disabled within the meaning of the Act.

Vicary v. British Telecommunications Plc.; 23 August 1999; EAT/1297/98
E.A.T.: Morison J., Lord Davies of Coity and Mr. P. A. L. Parker

EMPLOYMENT APPEAL TRIBUNAL

On an appeal by an employee from an employment tribunal's dismissal of his complaints of unfair dismissal and race discrimination, on the ground that the tribunal had failed to consider his claims that he had been less favourably treated than a number of comparators, the appeal tribunal adjourned the hearing of the appeal, the employee's representative having suffered an accident, and remitted the matter to the employment tribunal for amplification of their reasons.

MORISON J., allowing the adjourned appeal and remitting the case for rehearing before a fresh tribunal, said that the previous division of the appeal tribunal had erred in allowing the employment tribunal chairman an opportunity to expand on the extended reasons for the tribunal's decision. The appeal tribunal's powers were derived from statute. It had power to allow an appeal or to dismiss it. The question was whether it was entitled as a matter of jurisdiction to remit a matter back to an employment tribunal for amplification or clarification of its reasons without allowing the appeal. The previous appeal tribunal had relied on *Yusuf v. Aberplace Ltd.* [1984] I.C.R. 850. That case was wrongly decided. Once a decision had been promulgated and entered in the register the employment tribunal was functus officio. It would be improper for the tribunal to comment on the grounds of appeal or to try and improve on the decision or to fill in gaps. The only circumstances in which a tribunal might comment was when there was an allegation of bias. An appeal could only be decided in relation to the promulgated decision of the employment tribunal. In the present case the chairman had been written to to obtain a clear answer as to whether the position of the comparators had been looked at. If the decision was defective because no or no sufficient reference had been made, the appeal should have been allowed and the matter remitted for further hearing.

Reuben v. Brent London Borough Council; 14 September 1999; EAT/273/97
E.A.T.: Morison J., Mr. A. E. R. Manners and Mr. R. Sanderson

EQUAL PAY

Women employees, who were claiming equality of pay on the ground that their work was of equal value with male comparators, requested an independent expert's report under section 2A(1)(*b*) of the Equal Pay Act 1970, as amended by the Sex Discrimination and Equal Pay (Miscellaneous Amendments) Regulations 1996 (S.I. 1996 No. 438). The industrial tribunal held that the work was clearly of a different value and an expert's report would not help, and it dismissed the originating applications on the ground that they had no reasonable prospect of success.

MORISON J., allowing an appeal by the employees, said that since the amendment to section 2A(1) in 1996 the tribunal had the option of itself determining the question of whether any work was of equal value as an alternative to sending the matter on for the preparation of an independent expert's report, whereas under the earlier provision the tribunal had had no power to decide the question itself except in the very limited situation where it took the view that it was hopeless. Under the new regime the fact that a tribunal concluded that there was no reasonable prospect of an applicant showing that her work was of equal value did not thereby put an end to the case, but permitted the parties to adduce expert evidence in support of their claims which they could adduce at a further hearing. Because of the change, the decision in *Sheffield Metropolitan District Council v. Siberry* [1989] I.C.R. 208 no longer applied. The new regime contemplated that there might be a two-stage process: first, to decide whether an expert's report was to be obtained by the tribunal itself or by the parties, and, if the latter, then the tribunal would have to determine the case on the basis of the evidence presented to it. In the present case the tribunal had moved from stage one—whether to commission a report itself—to stage two—determining the matter itself-without giving an opportunity to the employees to adduce expert evidence and the employers to adduce evidence in reply. What was said in *Harvey on Industrial Relations and Employment Law*, vol. 2, para. K[153] in relation to question 4 of the flowchart was no longer right, nor was para. K[159] an accurate statement of the law as it now was.

Wood v. William Ball Ltd.; 14 May 1999; EAT/552/98
E.A.T.: Morison J., Mr. P. Dawson and Mr. J. C. Shrigley

PRACTICE

At the conclusion of the evidence, on the hearing of an employee's complaint of racial discrimination, it was agreed that the parties would put their closing submissions in writing. Following receipt of the submissions, the employment tribunal met in chambers and decided to uphold the claim of racial discrimination but to dismiss a claim of victimisation. The employers sought a review of the decision, complaining that the decision had been made without their having had prior sight of the employee's submissions. The tribunal wrote to both parties asking how, if submissions had been exchanged, their representations would have been changed or extended. After considering the replies, the chairman refused a review on the ground that the tribunal was unanimous that the parties' comments would not have been likely to affect its decision.

JUDGE BYRT Q.C., dismissing an appeal by the employers, said that there would be occasions when it would be greatly to the convenience of the parties and the tribunal that the parties' closing submissions should be made in writing and lodged after the hearing, though it should only be done with the consent of the parties. The tribunal chairman must take responsibility for ensuring that such a procedure was implemented in accordance with the rules of natural justice. That required that, on receipt of both sets of submissions, the tribunal would serve each party with the submissions of the other, informing them that, if they had any appropriate comment to make on their opponent's submissions, they should send them to the tribunal within, say, a further 14 days. They should be warned that, if no comment was received back by the tribunal within that time, it would be assumed they had no comment to make and the decision would be made on the basis of the submissions already tendered. Appropriate comments in reply should be limited to correction of factual errors and legal submission on a new point of law not previously raised. The tribunal should not proceed to the decision making stage till the chairman was satisfied that each of the above steps had been taken. In the present case, the probability was that the tribunal failed to cross-serve the written submissions and that that amounted to a breach of natural justice. However, any such breach was remedied when the tribunal solicited the parties' comments when the employers sought a review.

Barking and Dagenham London Borough Council v. Oguoko; 27 September 1999; EAT/819/98
E.A.T.: Judge Byrt Q.C., Mr. R. N. Straker and Mr. G. H. Wright

REDUNDANCY PAYMENT

An employee compained that her employers were in breach of contract in not paying her an enhanced redundancy payment. The employment tribunal chairman, sitting alone, dismissed the claim.

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the question to be considered was whether the chairman's finding that an implied term had not arisen as a result of the usage and practice of the parties was a permissible finding. As a pure matter of contract law, the question was whether it could be properly inferred from all the circumstances that it was the intention of the parties that the enhanced redundancy payment should form a term of the contract of employment. The employee submitted that the automatic payment of enhanced redundancy compensation, without an individual decision being made, for over 20 years in every case of redundancy, coupled with a reference in the employee handbook to the employers' redundancy policy aiming to ensure that "compensation will be paid," led inevitably to the conclusion that the term was implied. While sympathising with that approach, there was no evidence that the employee accepted employment on the basis that if she were to be made redundant she would receive an enhanced payment. The employers had been careful not to commit themselves to a contractual obligation to make such payments, by reserving the scale of the payments for the management manual which was not formally distributed to the workforce. The employers' "policy" remained just that.

Pellowe v. Pendragon Plc.; 17 June 1999; EAT/804/98
E.A.T.: Judge Peter Clark, Mr. D. Chadwick and Mr. P. Dawson

SEX DISCRIMINATION

In 1995 the respondent employer regraded all its 85 valuation executives, including the applicant employee who was on a career break, by applying three criteria two of which the employee satisfied. In 1997, after returning to work, the employee satisfied the third criterion, but was refused a retrospective regrading. She complained of indirect discrimination, contending that but for her career break she would have complied with the third criterion and been promoted in 1995. The employment tribunal by a majority dismissed her complaint.

JUDGE PETER CLARK, allowing an appeal by the employee, said that it was absolutely clear from the cases that where a number of criteria were applied the correct approach was to take as the appropriate pool all those who could comply with those criteria with which the complainant complied. It followed that the majority in the employment tribunal had erred in treating the pool as all 85 executives. The effect of the correct approach in law was that the employee had established disproportionate impact in relation to the 1995 promotion exercise. Further, the majority had erred in its approach to justification, first, by judging that question at a date later than the regrading, and, secondly, by considering whether a finding in favour of the employee would somehow mean that male colleagues were being treated less favourably. Either the offending condition was justifiable as at the date in 1995 or it was not. The position of male colleagues at that stage of inquiry was wholly immaterial.

Taylor v. Inland Revenue Commissioners; 28 September 1999; EAT/498/98
E.A.T.: Judge Peter Clark, Mr. W. Morris and Mr. L. D. Cowan

[1999] I.C.R. Part 10

APPEAL

In employment tribunal proceedings against his employer the applicant claimed that, pursuant to a practice adopted prior to privatisation of the water industry and based on a 1977 severance scheme, he was entitled to an enhanced payment on compulsory early retirement. The employment tribunal found that, by virtue of the Water Reorganisation (Pensions) Regulations 1989, any liability to meet such a payment would not fall on the respondent company, and they dismissed that claim.

CHARLES J., allowing an appeal by the applicant and remitting the matter to a fresh tribunal, said that it was now common ground that the Regulations of 1989 did not apply. Accordingly, the reason for the decision of the employment tribunal was wrong in law. The applicant now wished to advance an argument based exclusively on contract. An issue in those terms had not been raised or considered in detail by the employment tribunal. It was argued that he should not be allowed to raise new arguments not raised below. But, because of the error of law by the tribunal which did form part of the subject matter of the original appeal, the case was different to *Jones v. Governing Body of Burdett Coutts School* [1999] I.C.R. 38. In any event, the present was an exceptional case, and in so concluding the appeal tribunal had had regard to the facts that (1) the issue raised was fairly complicated; (2) some arguments based on contract had been raised below; (3) it was the chairman of the tribunal who had put considerable weight on the Regulations of 1989; (4) there was some confusion as to the extent of a concession made on behalf of the employer; and (5) inviting the respondent employer to open the case before the employment tribunal had produced the disadvantage that some of the points being raised by the applicant did not become clear until a very late stage.

O'Connell v. Thames Water Utilities Plc.; 10 June 1999; EAT/903/98
E.A.T.: Charles J., Ms B. Switzer and Mr. B. M. Warman

EMPLOYER

In December 1994, at an emergency general meeting of an unincorporated members club, held because of its financial difficulties, the secretary of the committee resigned and R was elected in his place. A month later the club manager was dismissed, and he made complaints of unfair dismissal and redundancy, naming the club as respondent. In July 1995 the club ceased to exist and the remaining employees became redundant and sought redundancy payments against the club and the Secretary of State for Trade and Industry. In April and May 1996 the industrial tribunal added the club committee as a respondent to the complaints and served them on R. An application by R to have his name removed was rejected and the tribunals went on to uphold the complaints.

MORISON J., dismissing appeals by R, said that it was quite clear that the management function of the club was vested in the committee. The problem that arose with unincorporated associations was the composition of the committee which acted as the employer. In *Affleck v. Newcastle MIND* [1999] I.C.R. 852 the appeal tribunal preferred the formulation that employees were employed by the relevant management committee as it existed from time to time. On the findings of the industrial tribunal, R was a member of the committee at the time of the manager's dismissal and the redundancy of the others. The next issue was that of representation. Where it would be undesirable to name all relevant committee members in an action, a representative order might be made, by which a single member was sued on his own behalf and on behalf of all other committee members. The employment tribunal was entitled, under rule 17 of the Employment Tribunals Rules of Procedure 1993, to make an order that R would be a representative on behalf of the other committee members. R might recover from other committee members the losses which he had incurred as a representative. The fact that the club was in receivership or that other committee members might not be forthcoming with a share of the losses was not a ground for objecting tó the order.

Robinson v. Ward; 15 September 1999; EAT/1224/96 & 590/97
E.A.T.: Morison J., Ms B. Switzer and Miss S. M. Wilson

EMPLOYER'S INSOLVENCY

The Secretary of State for Trade and Industry was joined as a respondent to an employee's complaint for moneys due to her from her employer, a company which had been dissolved. The Secretary of State, in written submissions to the employment tribunal, stated that his inquiries had failed to reveal any evidence of insolvency of the employer. The tribunal found that the fact that the company had been dissolved made it almost certain that one of the three events set out in section 183(3)(*a*) of the Employment Rights Act 1996 as constituting insolvency had occurred, and that, accordingly, under section 182 the Secretary of State was responsible for the moneys due to the employee.

JUDGE PETER CLARK, allowing an appeal by the Secretary of State, said that section 183 set out an exhaustive list of events amounting to insolvency. It was not enough, for example, that a company had simply ceased trading or was unable to pay its debts as they fell due. The fact that one of the three events had taken place was capable of direct documentary proof. The tribunal had overlooked the unchallenged evidence of the Secretary of State as to his inquiries. The absence of any proof from either party was conclusive. The employee's claim against the National Insurance Fund must fail. The tribunal had failed to appreciate the effect of dissolution of a company. Its finding that dissolution coupled with the company's financial difficulties made it almost certain that one of the three statutory events had taken place was legally perverse. It was incumbent on applicants relying on section 182 to adduce direct evidence of one of the acts of insolvency provided for in section 183(3). It was not for the Secretary of State to prove the negative. In the event that no steps had been taken which resulted in the insolvency of the employer company, as statutorily defined, the only remedy for the employee was to petition for a winding-up order.

Secretary of State for Trade and Industry v. Walden; 22 July 1999: EAT/905/98
E.A.T.: Judge Peter Clark, Mr. L. D. Cowan and Ms B. Switzer

ESTOPPEL

In 1997, 145 home care workers employed by three councils presented complaints of breach of contract to an industrial tribunal, contending that they were not bound by the terms of a collective agreement alleged to have been arrived at in 1995, and, further, made equal pay claims. The claims were settled and the complaints dismissed, but the dispute continued and, in 1998, 130 home care assistants, all members of the same unit for whom two unions were recognised as the bargaining agents, made claims for equal pay. The tribunal found that substantially the same workforce were reopening the same issue by a different route, and it dismissed the claims as being an abuse of process.

Morison J., dismissing an appeal by the employees, said that in *Bradford & Bingley Building Society v. Seddon* [1999] 1 W.L.R. 1482 the Court of Appeal had emphasised the clear distinction between res judicata and issue estoppel, on the one hand, and an abuse of process, on the other. In relation to claims by applicants who had not been parties to the 1997 litigation res judicata did not apply. Equally, res judicata could not apply to claims not made in 1997. But much of what was being claimed in 1998 was identical to claims previously made, and in respect of those claims brought by those who were applicants in 1997 res judicata applied. The 1997 proceedings were manifestly brought by named individuals on behalf of the bargaining unit. The reality was that the unions were funding litigation on behalf of the whole unit. In a collective dispute of the kind in issue it would be an abuse of process to permit new employees within the unit to reopen the litigation. The appeal tribunal rejected an invitation to construe the compromise agreement to see what had been compromised. There were decisions which had put an end to the litigation, and, in so far as it was arguable that the 1998 proceedings included different claims, they all arose out of the same dispute. It would have been open to the unions to have advanced those claims in the first proceedings. Repeatedly raising the same case was an abuse of process and should be stopped.

Acland v. Devon County Council; 14 September 1999; EAT/1220/98
E.A.T.: Morison J., Mr. D. Chadwick and Lord Davies of Coity

EXTENSION OF TIME

At the hearing of an employee's complaint that he had been unfairly dismissed because of what he had done in relation to some commercial waste, the employers had no witnesses available and did not ask for an adjournment. The employment tribunal felt that they had no means of deciding whether the employee's interpretation of his instructions were sufficiently realistic and upheld the complaint. At a review hearing, on the application of the employer, the tribunal amended its decision and held that the complaint failed. A notice of appeal by the employee was received by the appeal tribunal one day out of time and the registrar refused to extend time.

Morison J., allowing an appeal by the employee against the refusal to extend time, said that the course adopted by the employment tribunal was not only unusual but might well be legally defective. The employee's position was that he won his claim then subsequently lost it, not as the result of the calling of fresh evidence, but as the result of him being further cross-examined about the very matters he had been cross-examined about on the previous occasion. The explanation for the delay in lodging the notice of appeal had been frankly accepted as being a blunder on the part of the lawyers representing the applicant. It was only in exceptional circumstances that it was likely that the appeal tribunal would exercise its discretion in favour of an out of time appeal. But the present case seemed to be one of those exceptional cases. The appeal tribunal had a role which was wider than just dealing with appeals in any particular case. It had a wider supervisory jurisdiction over employment tribunals so as to ensure that procedural mishap did not occur which rendered the proceedings defective.

Woods v. Lambeth Service Team Ltd.; 23 August 1999; PA/251/99
E.A.T.: Morison J. (in chambers)

NOTICE OF APPEARANCE

On receipt of an originating application claiming, inter alia, sex discrimination and wrongful dismissal, the employers, who had employed the applicant as a nanny, returned the notice of appearance, in error, not to the employment tribunal but to Acas. The tribunal sent them a notice of hearing on which, under the last line of their address, "for your info. only" was written in small type. At the hearing the tribunal took the point that no notice of appearance had been entered, refused the employers an extension of time to enter a notice, barred them from resisting the claim and made an award in favour of the applicant.

Judge Levy Q.C., allowing an appeal by the employers against the refusal to extend time to enter a notice of appearance, said that after the extended reasons had been sent to the parties the employers applied for a review enclosing a fax printout of their notice of appearance which showed that it had been sent to Acas. That application was refused. In *Ryan Plant International Ltd. v. Price* [1976] I.C.R. 424, 429c, Phillips J. said that the proper approach where no appearance had been entered was to weigh up the whole of the circumstances. It was apparent that the employment tribunal had not looked into the whole of the circumstances. It had not considered whether the proceedings would go ahead without any unfairness to the applicant if time for entering an appearance was extended. With both parties in person the tribunal could well have had a contested hearing, had time been extended. The applicant might have asked for a little time to consider the position, and, if there had had to be an adjournment, she might possibly have been entitled to some costs. But the tribunal did not weigh up all the circumstances even without the knowledge that came later that the notice of appearance had been sent to the wrong fax number. Justice had not been done to the employers, they would be given an extension of time to enter a notice of appearance and the case would be remitted to a different tribunal.

Elliot v. Pink; 8 July 1999; EAT/614/98
E.A.T.: Judge Levy Q.C., Dr. D. Grieves and Ms B. Switzer

REDUNDANCY PROCEDURE

On an employee's complaint of unfair selection for redundancy, the employment tribunal found that the consultation procedure had been deficient in that the employee had not been told of the selection criteria before the decision to dismiss but that that defect was later corrected at appeal hearings when he had had the opportunity to contest the criteria and had done so.

Judge Peter Clark, dismissing an appeal by the employee, said that the grounds of appeal asserted "the tribunal found as fact" and then set out extracts from the tribunal's reasons. The employer responded that those were not findings of fact, but a recitation of the evidence. That was an unsatisfactory state of affairs. In the event it did not matter for the purposes of the real point in the appeal, but it illustrated the potentially vital importance of employment tribunals setting out their findings of fact and not the evidence they had heard. The employee submitted that, where dismissal was on the ground of redundancy, a failure to declare the principles of selection till eight weeks after termination could not be remedied by subsequent appeal hearings. A failure to inform an employee suspected of misconduct of the nature of the charges against him and a failure to give him the opportunity to contest those charges at a disciplinary hearing was a breach of natural justice. Prima facie the dismissal was unfair. However, such breaches could be cured by a proper appeal hearing. The same must also be true of a failure to consult in the context of a redundancy dismissal. There was no distinction in principle, in regard to a case of procedural deficiency at the dismissal stage being cured by a full rehearing on appeal, between any of the potentially fair reasons for dismissal under section 98 of the Employment Rights Act 1996.

Lloyd v. Taylor Woodrow Construction; 1 July 1999; EAT/1116/98
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mrs. J. M. Matthias

WAGES

An employee who had been in receipt of a lump sum allowance and mileage rate for business travel as an essential car user was reclassified as a casual user without the benefit of the lump sum allowance. An industrial tribunal dismissed his claim of unlawful deduction of wages under section 13 of the Employment Rights Act 1996, on the ground that the essential car user payment was "in respect of expenses incurred by the worker in carrying out his employment" within the meaning of section 27(2)(*b*) of the Act and so excluded from the definition of wages in section 27(1).

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the issue was whether the lump sum allowance was different in kind from the mileage allowance and arguably wages, whereas the mileage allowance was expenses, despite the decision in *Southwark London Borough Council v. O Brien* [1996] I.R.L.R. 240 in which the position was arguably different because the employee was only in receipt of a mileage allowance. The employee submitted that the lump sum allowance was not referable to expenses but formed part of an "emolument referable to his employment" within section 27(1)(*a*). The appeal tribunal were unable to accept that submission. The essential car user allowance comprised an element attributable to the general expense of running a car necessary for the proper discharge of the employee's duties coupled with a fixed mileage allowance. That there might be an element of profit to the employee did not alter the fact that the total allowance was payment in respect of expenses incurred by the worker in carrying out his employment. Similarly, with the casual user allowance. There was no difference in principle between the two for the purposes of the statutory definition of wages.

Johnson v. Hampshire Probation Service; 14 September 1999; EAT/1144/98
E.A.T.: Judge Peter Clark, Mr. I. Ezekiel and Mrs. T. A. Marsland

[1999] I.C.R. Part 11

CONSTRUCTIVE DISMISSAL

An employee was offered, and accepted, the post of manager at a new office to be opened by her employers. When, following a takeover, she was told that there would be no new office, the employee discussed possible alternative positions with the employers, but none were available and she left. An employment tribunal dismissed her complaint of constructive unfair dismissal, finding that, though the employers had been in breach of contract in failing to provide the new post promised, by remaining in negotiation with her employers as to a position within the company, the employee had accepted the breach and affirmed the contract.

JUDGE HICKS Q.C., allowing an appeal by the employee and remitting the case to a different tribunal, said that the employment tribunal had misdirected themselves in finding that remaining in negotiation by itself, and without further investigation of the nature and duration of the negotiations, amounted to affirmation. There were very many cases where employees in the same situation had entered into negotiation with their employers and, on the facts, been found not to have affirmed the contract or waived their right to rely on the repudiation as a ground for resignation. How long negotiations continued, and their nature, might be relevant, but it was common ground that in the present case there was no great lapse of time and the tribunal had not sought to rely on those factors as showing that there had been an affirmation of the contract or waiver of the repudiation. It was quite clear, in any event, that, on the facts recited, the conclusion which the tribunal reached was perverse.

Young v. John D. Wood & Co.; 29 September 1999; EAT/1092/98
E.A.T.: Judge Hicks Q.C., Mr. J. A. Scouller and Mr. A. D. Tuffin

EVIDENCE

In accordance with an agreement between the parties to a complaint of unfair dismissal, a tribunal chairman directed that witness statements should not be exchanged in advance of the hearing. When the hearing was adjourned part heard, the employer's evidence have been completed, the chairman (who was not the chairman who had issued the earlier direction) ordered the employee to disclose all witness statements to the employer prior to the resumed hearing.

JUDGE PETER CLARK, allowing an interlocutory appeal by the employee, said that the employee accepted that the employment tribunal had power to order the exchange of witness statements and to order sequential exchange (see *Badii v. Bournemouth University* (unreported) EAT/1237/96). But, where the employer accepted that there was no need for the employee to disclose her witness statements to the employer and an agreement had been reached between the parties that there should be no exchange—which arrangement, though odd, was the basis on which the parties had proceeded and which had been enshrined in a direction—the order that she disclose her witness statements before the resumed hearing was not a proper judicial exercise of discretion. The need for even-handedness was a relevant factor which the chairman had overlooked in making the order for disclosure.

Thomson v. Panasonic Business Systems Sales (UK) Ltd.; 4 October 1999; EAT/880/99
E.A.T.: Judge Peter Clark, Mr. L. D. Cowan and Mr. D. A. C. Lambert

[2000] I.C.R. Part 1

DISCIPLINARY PROCEDURE

A school bursar was dismissed for gross negligence by the staff committee of the governing body of the school, following a disciplinary hearing. His appeal to the appeals committee, under the contractual disciplinary procedure, was rejected on the basis that no new evidence had been presented that showed that the staff committee had acted unreasonably in reaching its decision. His complaint of unfair dismissal was dismissed by the employment tribunal.

JUDGE PETER CLARK, allowing an appeal by the employee and remitting the case for rehearing, said that it was clear that the contractual disciplinary procedure envisaged a rehearing before the appeals committee. The purpose of such a procedure was not simply to review the staff committee decision but, among other things, to remedy any defect below by an independent assessment of the case de novo. In such a case, the correct question, where an employer limited the scope of an appeal, was whether the employer's failure to comply with its own disciplinary procedure rendered the dismissal unfair. It was well established that, in considering the overall fairness of a dismissal under section 98(4) of the Employment Rights Act 1996, it was necessary for the employment tribunal to have regard to an employer's failure to grant the employee his full contractual right of appeal. The employee submitted, first, that the appeals committee misunderstood their function: the question was not whether any new evidence had been placed before them to show that the staff committee's decision was unreasonable. It was what, in the exercise of their independent judgment on the material before them, was the appropriate sanction for the misconduct found. Secondly, he contended that the tribunal had misunderstood the true nature and purpose of the appeal provided for. The employer contended that the appeals committee had properly discharged its function. The appeal tribunal preferred the employee's submission. Relying on *Lock v. Cardiff Railway Co. Ltd.* [1998] I.R.L.R. 353, the employee further submitted that dismissal was not within the range of reasonable responses open to the employer. That case should be restricted to its own facts. The appeal tribunal was not prepared to assume that an experienced employment tribunal necessarily overlooked the terms of the Acas Code of Practice.

Knight v. King Edward VI Grammar School, Louth; 7 October 1999; EAT/963/98
E.A.T.: Judge Peter Clark, Lord Davies of Coity and Mr. B. M. Warman

RACE DISCRIMINATION

On an employee's complaint of race discrimination, an employment tribunal considered of its own motion and without hearing submissions whether it would be just and equitable to extend time in accordance with section 68(6) of the Race Relations Act 1976 in relation to some of the allegations which it found to be out of time, refused to extend time and dismissed the employee's claims relating to those allegations.

JUDGE HICKS Q.C., dismissing an appeal by the employee, said that there was a clear rule of law that, with certain exceptions, the appeal tribunal should not permit appellants to take points not raised below. But counsel had found no reported case where a tribunal of first instance had proceeded to deal with and decide a point not raised and not argued on either side, of its own motion and without recalling the parties for further submissions. However, had the tribunal not considered the question of extension of time, its order would have been the same and would have been unappealable, the issue not having been raised. In embarking, unasked, on the question of an extension, the tribunal was doing something which, if it made any difference to the result, could only do so in the employee's favour, and it would be wrong for him to be in a better position, as a result of the tribunal's decision against him, than if the tribunal had ever considered it. If it had granted an extension, the employers would have had an unanswerable ground of appeal. Again, the employee should not be in a better position as a result of a decision against him than if it had been in his favour. The employee, not having applied for an extension below, was not entitled to raise the matter on appeal.

Shand v. Leicestershire County Council; 12 November 1999; EAT/9/99
E.A.T.: Judge Hicks Q.C., Mr. A. Manners and Mr. G. Wright

SEX DISCRIMINATION

While on maternity leave an employee was interviewed for a senior post which had become available following a restructuring exercise. She was unsuccessful and, on seeking to return to work, was offered a new position which she did not consider was of the same status as her previous job. An employment tribunal dismissed her claim of unlawful discrimination on the ground of sex in relation to the failure to appoint her in the senior position, holding that the employer's reason for not offering her the job was that she lacked the necessary ability and that she would not have been appointed even if she had been the only candidate.

LORD JOHNSTON, dismissing an appeal by the employee, said that, if a person was disadvantaged in respect of an interview, which she agreed to attend, by reason of the fact that she had been on maternity leave and out of touch, an issue of discrimination by gender would immediately arise. However, the decision of the employment tribunal was that the employee's lack of success was inherent rather than relating to an disadvantage by reason of her being on maternity leave. That was the crucial point by reason of the fact that what had to be seen to be discriminatory was the interview process itself unless there was an external disadvantage demonstrated by reason of or related to maternity leave. The tribunal had found no discriminatory factors in the interview process. There was no authority to support the view that, as a matter of law, discrimination would arise when a person employed for maternity cover was then selected for a new role following a restructuring in favour of the original holder of the post for which cover had been obtained. There was a sharp and narrow distinction, applying the "but for" test as regards causation, between whether or not the mere fact that an employee was on maternity leave created the opportunity for somebody else to do her job, which person was subsequently appointed to another job, sufficiently connected the two factors and the position where there was another reason which was conclusive in the decision not to appoint. In holding that the employee would not have been selected even if the only candidate, the tribunal had found that the latter was the case.

Speirs v. Edinburgh's Telford College; 1 November 1999; EAT/522/99
E.A.T. (Sc.): Lord Johnston, Mr. A. G. McQuaker and Ms A. E. Robertson

STRIKING OUT

Following the decision of an employment tribunal to uphold an employee's claim that she had been discriminated against on the ground of her sex, the respondents appealed. At the hearing of the appeal the respondents sought to make an application to strike out the employee's originating application under rule 13(2)(*e*) of the Employment Tribunals Rules of Procedure 1993 on the ground of alleged scandalous conduct of the proceedings, in relation to an incident which had occurred during the cross-examination of a witness at the employment tribunal hearing, the significance of which would not have been apparent to that tribunal on the information then available.

LINDSAY, J., said that the appeal tribunal did not see itself as a convenient body for the hearing of oral evidence, and, further, were it to hear the application under rule 13 it would effectively deny the loser one tier of appeal. Accordingly, the tribunal declined to hear the application under rule 13, which would, instead, be heard by the same employment tribunal who had heard the case below. That being so, the logical position as to the substantive appeal would appear to be to postpone it; however, both parties had urged to the contrary, notwithstanding the procedural oddity that the employment tribunal might later strike out the originating application, and, recognising the force of the practicalities, the appeal tribunal would hear the appeal. When the employment tribunal heard the rule 13 application, it need not feel circumscribed in any way by the appeal tribunal's conclusion on the appeal. Moreover, if it was of the view in the light of new material coming to its attention that it would wish to amend its conclusion on the case, then, if that was procedurally open to it, it was not be fettered by the fact that there had been an appeal. The rule 13 application should be formally made and the evidence in support of it served and there should be a directions hearing.

Broudie v. Khan; 28 October 1999; EA/729/97
E.A.T.: Lindsay J., Miss C. Holroyd and Mr. P. Smith

STRIKING OUT

When considering whether to strike out an employee's complaint of race discrimination under rule 4(7) of the Employment Tribunals Rules of Procedure 1993, for non compliance with an order for further and better particulars of the originating application, on the ground that the employers' request for further and better particulars of the originating application had not been answered adequately, an employment tribunal asked itself whether there was a real or serious risk that, as a result of the default, a fair hearing would not be possible and concluded that, because the employers did not know the nature of the case against them and the allegations went back to 1994 so that memories would have faded and people cease to be available, the complaint should be struck out.

Judge Hicks Q.C., allowing an appeal by the employee, said that the employment tribunal had erred in three respects. First, it was simply not the case, as the tribunal had stated, that none of the questions had been answered. Secondly, the tribunal had failed to distinguish between the criteria to be applied when considering whether to strike out under rule 4(7) of the Rules of Procedure for failure to comply with directions and those to be applied in considering whether to dismiss for want of prosecution under rule 13(2)(*f*). It was the former power which the tribunal had expressed itself to be exercising, but the considerations of delay and of the possibility of a fair trial on which it relied were appropriate to the exercise of the latter. When deciding whether to strike out for failure to comply with a direction, it was at least material, and often decisive, whether the direction was peremptory. No consideration had been given to that question. Thirdly, even if it had been open to the tribunal to exercise the jurisdiction to strike out for want of prosecution, it erred in its approach to the exercise of its discretion in that respect. The first question in such a case was whether there had been inordinate and inexcusable delay; and, perhaps more importantly, the issue of whether there could be a fair trial, i.e. one not causing unacceptable prejudice to the respondent, had been inadequately treated.

Greene v. Hackney London Borough Council; 23 November 1999; EAT/1182/98 & 504/99
E.A.T.: Judge Hicks Q.C., Mr. R. Sanderson and Mr. R. Straker

UNFAIR DISMISSAL

An employee who put money received as payment for the sale of goods into the company safe and subsequently used it for drinks at a staff outing, authorised and paid for by the employers, was dismissed for gross misconduct. An employment tribunal found that the employers ought to have investigated why the money had been in the safe and what the employee had intended to do with it, and that the dismissal was unfair.

Judge Hicks Q.C., allowing an appeal by the employers and remitting the case for rehearing, said that the tribunal relied primarily and repeatedly for its finding of unfairness on a failure by the employers to investigate properly, but the only further investigation suggested was to discover what the money was doing in the safe and what the employee intended to do with it. The answers to those questions, however, were known and there was no dispute about them. The appeal tribunal agreed with the decisions in *Royal Society for the Protection of Birds v. Croucher* [1984] I.C.R. 604 and *Boys and Girls Welfare Society v.*

Macdonald [1997] I.C.R. 693 that the absence of further investigation was not of itself unfair where there was no real conflict or question as to the relevant facts.

Danka UK Plc. v. Wilcox; 1 November 1999; EAT/1310/98
E.A.T.: Judge Hicks Q.C., Mr. L. Cowan and Mr. E. Hammond

UNFAIR DISMISSAL

An employment tribunal dismissed an employee's claim for unfair dismissal, accepting that statements from two senior employees as to the employee's misconduct were sufficient, combined with the investigation carried out, to satisfy the relevant test.

Lord Johnston, allowing an appeal by the employee and remitting the case for rehearing, said that the appeal tribunal endorsed completely the observations of Morison J. in *Haddon v. Van den Bergh Foods Ltd.* [1999] I.C.R. 1150 which brought back into the proper focus the essential issue that was to be determined by an employment tribunal in questions of unfair dismissal relating to misconduct, namely, the test in section 98(4) of the Employment Rights Act 1996. There had been an increasing tendency for tribunals to determine the issue on the test in *British Home Stores Ltd. v. Burchell (Note)* [1980] I.C.R. 303—with particular reference to the question whether the decision to dismiss fell within the band of reasonable responses after conducting a comprehensive investigation into the alleged misconduct—as if that was the ony basis on which a decision as to fairness could be achieved. What a tribunal had to do was to stand back from the decision of the employer and assess, in the knowledge of what was known to the employer at the time, whether or not the dismissal was in the circumstances reasonable. If the employment tribunal had not ultimately addressed section 98(4), the decision could not stand. Where, as in the present case, the tribunal had failed properly to address the whole question of reasonableness, as opposed to reasonable investigation, the matter was not adequately dealt with in terms of the statute.

Wilson v. Ethicon Ltd.; 3 November 1999; EAT/624/99
E.A.T. (Sc.): Lord Johnston, Dr. A. H. Bridge and Ms A. E. Robertson

WRONGFUL DISMISSAL

The chairman of an employment tribunal, dismissing an employee's complaint of wrongful dismissal, directed himself that it was necessary for the employer to show on the balance of probabilities as a matter of fact that the employer had cause to dismiss the employee; and found that, by sending a fax to the Home Office containing confidential information about a fellow employee, the employee was in breach of his employer's contractual disciplinary procedure and his summary dismissal was justified at law.

Judge Peter Clark, dismissing an appeal by the employee, said that, inter alia, the point had been taken that the chairman ought not to have sat alone. In essence a chairman sitting alone could hear a complaint of wrongful dismissal subject to regard being had to the factors set out in section 4(5) of the Employment Tribunals Act 1996. In *Sogbetun v. Hackney London Borough Council* [1998] I.C.R. 1264 the Employment Appeal Tribunal held that for a chairman to hear a complaint of unfair dismissal without lay members was a perverse exercise of his discretion. But it would not be correct to go so far in the present case, where the claim was one of wrongful dismissal, a cause of action which until the 1994 extension of jurisdiction would have been heard in the county court by a judge sitting alone. While the industrial experience of lay members could not be underestimated, particularly in cases of unfair dismissal where questions of reasonableness and industrial practice would often arise, it could not be said that in the circumstances of the present case the chairman was bound to exercise his discretion in favour of sitting with lay members. The appeal failed on the merits: the chairman had been entitled to conclude, on the facts, that the employee had been in breach of a disciplinary rule and that such breach warranted summary dismissal.

Loganathon v. Samsung Electronics Research Institute; 4 November 1999; EAT/832/98
E.A.T.: Judge Peter Clark, Miss A. Mackie and Mr. G. H. Wright

DISABILITY DISCRIMINATION

An employment tribunal dismissed an employee's complaint of disability discrimination, holding that she had not been treated less favourably than others within the meaning of section 5 of the Disability Discrimination Act 1995; than the employers had taken such steps as were reasonable to prevent any working arrangements placing the employee at a substantial disadvantage in comparison with others; and that the employers' treatment of the employee was justified. The employee appealed on the ground, inter alia, that the tribunal had looked only at the question of limited alternative employment to the exclusion of other steps set out in section 6(3), which an employer might have to take in order to comply with his duty to make adjustments under section 6, and/or only at the factor of the employee's attitude to such alternative employment to the exclusion of other factors set out in section 6(4).

LINDSAY J., dismissing the appeal, said that the reference in the notice of appeal to "steps set out in section 6(3)" showed a misunderstanding of section 6(3). It was not a checklist through which every employment tribunal had invariably to work its way if it was to come to a proper decision. A failure to be seen to have worked through the section 6(3) list did not render a tribunal's decision faulty or an employer's decision faulty. Section 6(3) only gave *examples* of steps that had to be taken, depending on the surrounding circumstances, in the particular case. Though section 6(4) was weightier in that the tribunal *had* to have regard to the matters referred to before determining whether a step should have been taken, it was not in every case that the tribunal would necessarily have to have regard to all items in paragraphs (*a*) to (*e*). The employee also complained that the tribunal had failed to pay sufficient attention to *Morse v. Wiltshire County Council* [1998] I.C.R. 1023. For all its usefulness, *Morse* was not the statute; and ultimately it was for the statute to be satisfied. The case had been referred to in some detail in the written submissions put before the employment tribunal. Though the tribunal did not in terms mention *Morse*, one could not jump to the conclusion that the tribunal did not have it in mind. It was important that references to authorities in tribunal decisions did not become incantations recited for formal compliance. That would risk the citations becoming meaningless, with more attention being paid to language than substance. Here, the tribunal had paid full respect to the substance of both the statute and the relevant authorities. *Morse*, properly understood, emphasised that it was not right simply for the tribunal to accept the employer's reasons, but it did not cast on the employment tribunal some invariable inquisitorial duty.

Humphreys v. Environment Agency; 19 November 1999; EAT/24/99
E.A.T.: Lindsay J., Mr. R. Sanderson and Miss D. Whittingham

DISABILITY DISCRIMINATION

A job applicant, who was disabled as defined by section 1 of the Disability Discrimination Act 1995, complained that he had been discriminated against, inter alia, contrary to section 5(1), in that, for a reason which related to his disability, he had been treated less favourably than the successful candidate who was not disabled. An industrial tribunal found that the less favourable treatment was not for a reason relating to his disability and dismissed the claim.

JUDGE PETER CLARK, dismissing the applicant's appeal, said that, although the causation element in the various discrimination statutes involved slightly different wording, the causation test was essentially the same. The question was whether the applicant's disability was "the effective and predominant cause" or the "real or efficient cause" of the less favourable treatment: see *O'Neill v. St. Thomas More Roman Catholic Voluntarily Aided Upper School* [1997] I.C.R. 33, 43. It need not be the sole cause of the treatment. The tribunal accepted evidence that the sole reason for appointing the successful candidate was that he was perceived as the best candidate. There was no evidence in the tribunal's reasoning that they had failed to ask themselves the correct causation question, and, once the tribunal had found that the applicant had not established the necessary causative link between his disability and the decision not to offer him the job, it was not necessary for them to consider the question of justification under section 5(3) of the Act of 1995.

Murphy v. Sheffield Hallam University; 11 January 2000; EAT/6/99
E.A.T.: Judge Peter Clark, Lord Davies of Coity and Mr. A. Manners

EMPLOYMENT APPEAL TRIBUNAL

An employment tribunal upheld an employee's complaint of unfair dismissal and made an order for re-engagement. On a preliminary ex parte hearing of the employers' appeal against the re-engagement order, the Employment Appeal Tribunal considered a number of points raised in the notice of appeal, including the employment tribunal's failure to refer in its reasons to the issue of contributory conduct which had been raised by the employers and that re-engagement was not practicable in the circumstances. The appeal tribunal identified the issue of contributory conduct as a point of law meriting a full hearing but made no reference to the point on the practicability of re-engagement.

Judge Peter Clark, dismissing the appeal, said that at the preliminary hearing stage it was open to the appeal tribunal to dismiss an appeal, allow it through on all grounds raised in the notice of appeal or to allow it through on one or more grounds and dismiss the remainder. A difficulty arose where it was unclear on which grounds an appeal had been permitted to proceed. Strictly, unless and until a ground of appeal was rejected by the appeal tribunal, it remained arguable. However failure to make clear that that was the position might place the respondent at a disadvantage at the full appeal hearing, and, had further argument on the practicability point been required, the parties would have been given an opportunity to address the tribunal further. But, in the event, there were no grounds for interfering with the employment tribunal's decision on that issue, which was essentially a question of fact for that tribunal. Although the employment tribunal ought to have dealt expressly with the contributory conduct argument and given a reasoned ruling on it, there was no evidence on which it could have based a finding that the employee was guilty of the culpable conduct for which she was dismissed.

IPC Magazines Ltd. v. Clements; 13 December 1999; EAT/456/99
E.A.T.: Judge Peter Clark, Mr. D. Chadwick and Mr. S. M. Springer

EMPLOYMENT APPEAL TRIBUNAL

The Employment Appeal Tribunal, consisting of a judge and two lay members, allowed an appeal by an applicant against the dismissal of his complaint of race discrimination. The same judge and one of the lay members, the other having ceased to be a member, heard and refused an application by the respondent for leave to appeal, and, on a subsequent application by the applicant for a review hearing, the appeal tribunal was similarly reconstituted. The respondent, relying on section 28(3) of the Employment Tribunals Act 1996, refused to consent to the review being conducted by a judge and one member.

Holland J., ruling against the respondent said that the appeal tribunal had jurisdiction notwithstanding the absence of one member and the lack of consent on the part of the respondent. The "proceedings" for the purposes of section 28(3) were those leading up to the order allowing the applicant's appeal. Thereafter there had been no further "proceedings" such as required three members, absent the consent of both parties, merely such further decisions as had been required by the parties as ancillary to that order. The first such decision had been whether to grant leave to appeal, and the second whether to review and whether to revoke or vary the decision on such review. It was not without significance that the appeal tribunal could conduct a review of its own motion, and that it could do so, and often did, without a hearing. If the respondent was right, one party by withholding consent could seek to take arbitrary advantage of the inability of the appeal tribunal to field a full constitution so as to deny another party a review or leave to appeal. The law did not give the respondent that arbitrary advantage.

Soormally v. Benefits Agency; 17 December 1999; EAT/125/98
E.A.T.: Holland J., Mrs. T. Marsland and Mr. R. Straker

EVIDENCE

An employee made complaints of sex discrimination and unfair dismissal against her employer, alleging that it had "set its mind" against part-time arrangements and failed to make any alternative proposal that would have enabled her to preserve her employment in any capacity on her return from maternity leave. Prior to the tribunal hearing the parties exchanged "without prejudice" correspondence in which the employer put forward a proposal for part-time work. The proposal was subsequently referred to in an open letter from the employer. The employment tribunal refused an application by the employer to adduce evidence as to the fact of the proposal in the "without prejudice" negotiations.

HOLLAND J., allowing an appeal by the employer, said that, as was acknowledged in *Independent Research Services Ltd. v. Catterall* [1993] I.C.R. 1, there were occasions in which justice required resort to material marked "without prejudice." The concern in the present case was not to put in evidence admissions made by the employee on a "without prejudice" basis, to seek to undermine her evidence. The concern was to allow the employer to have justice at the hands of the tribunal. It had been the employee's own decision to contend that the employer had set its mind against a part-time arrangement. It was, therefore, in the interests of justice that the employer should not be shut out from explaining its attitude and contending that, in a "without prejudice" context, its mind had not been "set" against part-time arrangements. Again, if the employee chose to contend that there was no alternative proposal, the employer must be in a position fully to deploy its case, even if that case included the fact that just such a proposal was made on a "without prejudice" basis. Also, it would seem impossible for a tribunal to adjudicate on the complaint without a careful consideration of the open letter, not least because, on the face of it, that brought the employment to an end, and it would be unable to make sense of it without some knowledge of what had preceded it. The tribunal hearing the matter should have the fact of the employers' proposal in evidence.

Knightstone Housing Association v. Crawford; 27 October 1999; EAT/1002/99
E.A.T.: Holland J., Lord Davies of Coity and Mr. T. Thomas

PROTECTIVE AWARD

An employee's claim for a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992, on the ground that the employer had failed fully to comply with section 188, particularly with regard to the provision of information, was dismissed by an employment tribunal, with the chairman sitting alone.

JUDGE PUGSLEY, allowing an appeal by the employee, said that the essence of consultation was that parties had sufficient information to make the process meaningful. The fact that it was very unlikely that a consultation would alter matters was not in itself a ground for not making a protective award. Information had been requested from the employers but nothing was said in the decision as to what the results of those inquiries were. It was difficult to see whether or not such information had been provided as would make consultation meaningful in any real sense. The legislation required an employer to supply all relevant information to enable a worker's representative to make constructive proposals. The provision of relevant information was a factor in the overall assessment as to whether or not consultation had taken place. The matter would be remitted to another tribunal. That tribunal should consist not only of a chairman but of industrial members. Redundancy exercises were very frequent and to have industrial members with their own experiences of how they worked would be invaluable in assessing a case of a protective award.

Purssord v. Essex Furniture Plc.; 25 November 1999; EAT/557/99
E.A.T.: Judge Pugsley, Mr. A. C. Blyghton and Mrs. R. Chapman

STRIKING OUT

In response to an order for further and better particulars of an employee's claim of race discrimination, the employee supplied replies to some but not all of the questions asked. An employment tribunal struck out the claim, under rule 4(7) of the Employment Tribunals Rules of Procedure 1993, on the ground that the order for particulars had not been complied with and the employers did not know fully the case they had to meet.

JUDGE PETER CLARK, allowing an interlocutory appeal by the employee, said that, although the employee had not answered each and every question, the test for striking out was not whether each demand for particulars had been substantially met but whether the documents served by the employee could fairly be entitled "particulars" made in good faith. The employee had passed that test. Further, the appeal tribunal did not accept that a fair trial of the race complaint was impossible. The employers did know the nature of the case they had to meet. Whether there was merit the employee's complaint was a matter which could and should have been determined at a full hearing. The striking out order ought not to have been made and would be set aside.

Sanni v. SmithKline Beecham Ltd.; 12 January 2000; EAT/656/98
E.A.T.: Judge Peter Clark, Mr. D. Lambert and Mr. P. Parker

[2000] I.C.R. Part 3

BIAS

An applicant appealed against the dismissal by an industrial tribunal of his complaint of race discrimination on the ground, inter alia, of bias in relation to the tribunal's conduct of the hearing and comments made in the reasons of the tribunal.

CHARLES J., on a preliminary ex parte appeal hearing, said that, when considering allegations of bias relating to the conduct of members of an industrial tribunal at a hearing, it was appropriate for the appeal tribunal to have regard to the approach set out in *Peter Simper & Co. Ltd. v. Cooke* [1986] I.R.L.R. 19. The appeal tribunal had to consider what a reasonable observer present at the hearing, who was not a party or associated with a party but who knew the issues involved, would have concluded. A number of the underlying primary facts relied on by the applicant in support of his claim were not accepted. That had given rise to difficulties. The appeal tribunal was aware of the decision in *Roberts v. United Friendly Insurance Plc.* (EAT/436/95) that the account of the members of the tribunal should, in the case of disagreement, be preferred. That case referred to earlier authority which did not support a conclusion that members of a tribunal could not be compelled to give evidence. While it was undesirable that members of a tribunal should be called on to give oral evidence, it was not a matter of policy that they should never be ordered to do so. Such a policy could lead to the issue not being dealt with fairly. It was a basic proposition of law that parties should have a fair trial, and that was also part of the Convention for the Protection of Human Rights and Fundamental Freedoms (1953): see article 6. On the basis that the applicant's allegations in respect of the underlying primary facts were correct, he had no reasonably arguable case on bias and he would not be allowed to advance that claim at the full hearing.

Jiad v. BBC World Service; 1 February 2000; EAT/1007/99
E.A.T.: Charles J., Mr. A. C. Blyghton and Mr. J. Crosby

COMPENSATION

An employment tribunal upheld an employee's complaint of discrimination by reason of disability, and, when making an award for injury to feelings in accordance with section 8(2)(*b*) and (3) of the Disability Discrimination Act 1995, took into acount the size and resources of the employers.

LINDSAY J., setting aside the award and remitting the remedies issue for rehearing pursuant to the employers' respondent's notice, said that the reference to the size and resources of the employers had to be irrelevant, given that what needed to be quantified was a *compensatory* award. It was for the employee to prove that her feelings had suffered injury and that compensation was appropriate. Though it was necessarily an unscientific process to award sums for something as subjective and as hard to explain as hurt feelings, it was for the employee to make a case for a particular award, and the amount awarded depended on that rather than on how easily the employer could pay. A compensatory award should not vary depending on the resources of the payer, unless the degree to which the employee's feelings had been hurt was proven to be related in some way to the size and resources of the employer, which was unlikely and did not seem to be so in the present case.

Evans v. Oaklands Nursing Home Group Ltd.; 13 December 1999; EAT/331/99
E.A.T.: Lindsay J., Mrs. T. Marsland and Mr. P. Parker

COSTS

Respondents to a complaint of unfair dismissal applied for an order for costs against the applicant, under rule 12(1) of the Employment Tribunals Rules of Procedure 1993, on the ground that, by withdrawing her complaint at a late stage, the applicant had caused them to incur unnecessary costs. The applicant made written representations in reply, but neither she nor her representative attended the hearing. On the hearing of the application, a chairman sitting alone found that the applicant's case on unfair dismissal had no merit, rejected her explanation for the late withdrawal and, having considered that the applicant herself would have difficulty meeting a costs order, took into account the means of the trade union, which she held could not reasonably have believed that the case had any merit, and made an order against the applicant.

Judge Smith Q.C., allowing an appeal by the applicant and remitting the application for rehearing, said that important principles relative to the discretion of an employment tribunal under rule 12(1) of the Rules of Procedure had been laid down by the appeal tribunal in *Benyon v. Scadden* [1999] I.R.L.R. 700, in particular that the tribunal's discretion to award costs might apply where it was the party's adviser who had acted unreasonably in bringing or conducting the proceedings as well as the party himself and that the discretion was unfettered save that it was exercised in accordance with ordinary notions of justice and common sense. It could be assumed that there was no rule or precondition to the effect that it was only in exceptional cases that, in considering whether to make a costs order, the means of the adviser, usually a trade union representative, should be taken into account. However, the applicant and her representative were fully entitled to assume that the only ground on which a costs order would be sought was the late withdrawal of her complaint. It was only fair and just that, if an application for costs was to be put forward on the basis that the proceedings were brought entirely without merit, the applicant was entitled to have notice of such an application. Similarly, if an application was to be based on misconduct by a representative in pursuing a case, there was a need for a clear warning, so that the representative had a full opportunity to argue the matter. The chairman should have considered only the ground put forward, namely the late withdrawal, and had erred in the exercise of her discretion.

Bownes v. Sun Valley Foods Ltd.; 24 January 2000; EAT/274/99
E.A.T.: Judge Smith Q.C., Mr. I. Ezekiel, Mrs. T. Marsland

DISABILITY DISCRIMINATION

An employment tribunal, when finding, as a preliminary issue, that an employee was disabled within the meaning of section 1 of the Disability Discrimination Act 1995 had regard to the effect of her disability on her day-to-day normal activities but did not take into account her ability to carry out her work.

Lord Johnston, dismissing an appeal by the employer, said that the appeal tribunal would adopt the principles laid down in *Goodwin v. Patent Office* [1999] I.C.R. 302. The proper test related to the ability of the person alleging disability to carry out normal day-to-day activities and the matter was not to be judged by reference to whether or not the person was in fact carrying out her prescribed job of work, which might be done with difficulty or with the help of medication. It was important to note that the legislation referred not just to inability but also impairment, and the fact that a person might be carrying out a particular job did not mean necessarily that there was no impairment present by reason of a general or particular problem which he or she suffered from as far as normal day-to-day activities were concerned. It was entirely appropriate for the tribunal to concentrate on the effect the alleged problems had upon the normal day-to-day activities of the employee and to leave out of account the fact that she had remained at work until dismissed, apparently performing her duties.

Law Hospital NHS Trust v. Rush; 21 January 2000; EAT/842/99
E.A.T. (Sc.): Lord Johnston, Dr. A. Bridge and Ms A. Robertson

EMPLOYMENT APPEAL TRIBUNAL

For the purposes of an applicant's appeal against the decision of an employment tribunal, dismissing her complaint of sex discrimination, the respondents' solicitors prepared in triplicate the 520-page bundle of documents that had been before the employment tribunal. At the hearing of the appeal the respondents objected to new grounds of appeal added by amendment after the preliminary hearing.

Judge Peter Clark, when dismissing the appeal, said that there was a distinction between a ground of appeal formally dismissed at the preliminary hearing stage and one which had not. The present case fell into the latter category. The question was whether it was just, balancing the interests of both parties, to allow a new way of putting the case to be argued. The new grounds were arguable; the respondents were able to deal with them in argument today; and, had the hearing extended before the day allotted, the respondents could have been protected in costs. In those circumstances, leave to add the new grounds had been granted. The appeal tribunal was concerned only with questions of law. It did not re-try factual questions. It was the duty of the parties or their advisers to prepare an additional bundle containing only those documents that were relevant to the points of law raised in the appeal and likely to be referred to at the appeal hearing. The respondents' advisers had seen fit to put their clients to the expense of preparing in triplicate two large files containing all the documents that had been before the tribunal and copies of the witness statements. The appeal tribunal had not read those bundles before the hearing, and following the hearing it had counted six documents to which reference had been necessary. The practice of copying every document and lodging large, mainly irrelevant, bundles had to cease.

Leavers v. Victoria University of Manchester; 21 February 2000; EAT/167/99
E.A.T.: Judge Peter Clark, Mrs. R. Chapman and Ms B. Switzer

RACE DISCRIMINATION

On an employee's complaint of direct race discrimination, the industrial tribunal found that he had been treated less favourably than others, that the employers' explanation for that less favourable treatment was unsatisfactory and that they would draw the inference that he had been discriminated against on the ground of his race.

Judge Peter Clark, allowing an appeal by the employers, said that, based on the speech of Lord Browne-Wilkinson in *Glasgow City Council v. Zafar* [1998] I.C.R. 120, the tribunal was bound to embark on a four-stage inquiry: (1) was there a difference in treatment between the complainant and an actual or hypothetical comparator; (2) was there a difference in race between the complainant and the comparator; (3) if so, had the respondent provided an adequate explanation for that difference in treatment; (4) if not, should the tribunal draw an adverse inference of unlawful discrimination on racial grounds against the respondent? What could be drawn from *Zafar's* case was that, even where a respondent failed to provide a satisfactory explanation for the less favourable treatment meted out to the complainant when compared with that afforded to a relevant comparator, it did not *necessarily* follow that the tribunal was bound to draw the inference adverse to the respondent. To omit stage (4) and to proceed directly from stage (3) to a finding of unlawful discrimination based on inference alone (the tribunal in the present case had found no direct evidence of discrimination) would amount to an error of law. The appeal tribunal accepted the employers' submission that the industrial tribunal had misdirected itself in law by requiring the employers to provide an adequate explanation for the difference in treatment, failing which an adverse inference of discrimination on racial grounds would follow without more. The tribunal had found the employers' explanation unsatisfactory and therefore drew an adverse inference and failed to proceed to stage (4).

British Broadcasting Corporation v. Jiad; 3 February 2000; EAT/1014/98
E.A.T.: Judge Peter Clark, Ms S. Corby and Mrs. R. Vickers

STRIKING OUT

An employment tribunal consisting of a chairman and two lay members adjourned a complaint of sex discrimination on the second day of the hearing to enable the tribunal to read the applicant's witness statement. Before the hearing resumed, the tribunal having discussed the applicant's statement in chambers, the chairman sat alone to conduct a further direction hearing, following which he made an order striking out the complaint, under rule 13(2)(*e*) of the Employment Tribunals Rules of Procedure 1993, without reference to his colleagues.

JUDGE PETER CLARK, allowing an appeal by the applicant, said that before the final determination of a case on its merits a chairman had power, sitting alone, to strike out under rule 13(2) of the Rules of Procedure. It had been submitted that that power had to be exercised judicially and that no reasonable chairman would have taken it upon himself, without reference to his lay colleagues, to determine the question of striking out. The appeal tribunal were satisfied that the chairman, having discussed the case at length with his colleagues, had then, of his own motion, decided to add the question of striking out to the agenda for the directions hearing. The power to strike out was a draconian one. It meant that the applicant was denied the opportunity to have her case determined on its merits by a full tribunal. If such a decision was to be taken, it had to be taken by the full tribunal empanelled to hear and determine her case. The hearing had commenced before the full employment tribunal and had been aborted by the decision of the chairman acting alone. The applicant had been deprived of an adjudication by the full tribunal. That could not be right as a matter of law. The striking out order would be set aside.

Unwin v. Governors of Sackville School; 1 February 2000; EAT/1068 & 1314/98
E.A.T.: Judge Peter Clark, Lord Davies of Coity and Mr. J. Scouller

[2000] I.C.R. Part 4

EMPLOYMENT TRIBUNAL

During the hearing of a complaint of sex discrimination, one of the members of the tribunal fell asleep and at the close of the hearing that member discharged herself. The tribunal's decision to dismiss the complaint, when promulgated, was a decision of the two other members of the tribunal only.

JUDGE PETER CLARK, allowing an appeal by the applicant made on the ground, inter alia, that consent had not been obtained for the tribunal to proceed as a panel of two, said that section 4(1) of the Employment Tribunals Act 1996 provided that proceedings before an employment tribunal "shall be heard by" the chairman and "two other members or (with the consent of the parties) one other member" and the section went on to specify proceedings which might be heard by a chairman sitting alone, but those exceptions did not include the substantive hearing of a complaint of sex discrimination. In *Quenchers Ltd. v. McShane*, The Times, 8 February 1993, a full tribunal upheld a complaint of unfair dismissal but before reconvening for the remedies hearing a lay member died. The appeal tribunal held that the respondent had not consented to subsequent hearings taking place with only two members and that, accordingly, the tribunal had been improperly constituted. In those circumstances it was agreed in the present case that the question of consent was critical. It was clear that counsel for the applicant did not agree with the chairman's statement that counsel had agreed to the matter continuing with a tribunal of two. The lay member had simply announced that she would withdraw from the decision making. At that point the chairman had to decide, inter alia, whether the parties would consent to the case being determined by two members only. He did not appear to have done so. It might be that the chairman assumed that he had the consent of both parties, but, in the judgment of the appeal tribunal, he did not. Consent could not be implied simply from the fact that it had been mentioned in passing earlier in the proceedings after which all three members had continued to sit. An unequivocal affirmative reply was needed. It had not been received. It followed that the case must be remitted for rehearing.

Parveen v. Little; 17 February 2000; EAT/1248/98
E.A.T.: Judge Peter Clark, Mr. E. Hammond and Mr. R. N. Straker

PENSION SCHEME

An employer's pension scheme provided for the employer and the employee each to contribute an amount equal to 3 per cent. of the employee's salary. In April 1997 the applicant employee received a pay rise but the pension contributions did not increase. When the employee complained, he received a letter stating that as from 1 September 1997 the contributions would include the pay rise and that an additional payment would be made by the employer to cover the contributions between April and August. In April 1998, when he received a further pay rise, the employee was given notice that his salary for the purposes of the scheme would be updated on each 1 September for the following year. A complaint of unlawful deduction of wages by the employee was dismissed by the employment tribunal.

JUDGE WILSON, dismissing an appeal by the employee, said that the employee accepted that the employer had reserved the right to change or even stop the pension scheme but submitted that, because pension contributions were to be regarded as "pay," the contributions should change when the rate of pay changed and not on the anniversary of the scheme. He contended that, although the employer could change the pension scheme, it could not change the contract of employment and that the scheme was part of the contract. That contention was not correct. The rules of the scheme were not part of the contract of employment, and, provided the employer gave sufficient notice of a change, that was a perfectly lawful thing for him to do. Though the effect of having the anniversary date five months later than a pay rise was contrary to an employee's interests, it was an effective disadvantage only with regard to the final six months of any employment and it was open to the employee under the terms of the scheme to top up the contribution for those few months.

Chambers v. Cromwell Group (Holdings) Ltd.; 4 November 1999; EAT/1178/98
E.A.T.: Judge H. Wilson, Lord Davies of Coity and Dr. D. Grieves

PRE-HEARING REVIEW

The applicant employees complained that they had been unfairly dismissed after they refused to accept a new shift pattern which had been accepted by the majority of employees. On a pre-hearing review an industrial tribunal chairman took the view that it would have been impracticable for the employers to have made an exception for a small minority on a shift system and ordered each applicant to pay £50 deposit as a condition of pursuing their claims on the ground that they had no reasonable prospect of success within the meaning of rule 7(4) of the Employment Tribunals Rules of Procedure 1993.

JUDGE PETER CLARK, allowing an appeal by the applicants, said that the members of the appeal tribunal disagreed as to the meaning of "no reasonable prospect of success." The lay members considered that it meant that an employee was almost certain to fail, while the presiding judge was of the opinion that it simply meant a less than even chance of success. But the tribunal were unanimously of the opinion that the employment tribunal had demonstrated a wrong approach in law to the question to be answered at the substantive hearing. Its error was to state categorically that, where a majority of employees had voted to accept a new shift system, the very small minority could not be dealt with as exceptions. That overlooked the balancing act to be performed by the tribunal when considering the application of section 98(4) of the Employment Rights Act 1996: did the employer act reasonably in considering that the advantage to him of implementing the reorganisation outweighed any disadvantage the employee might suffer as a result of the unilateral change to his terms and conditions of employment? Having identified an error of law, the appeal would be allowed. The lay members, applying their more rigorous approach to the question of whether the claims had no reasonable prospect of success, would unhesitatingly reverse the decision of the employment tribunal and set aside the order to pay a deposit. The presiding judge was just persuaded to join in that course, given that, in his opinion, the correct test was whether the claims had a less than even chance of success.

Robinson v. Swallowfield Consumer Products; 29 March 2000; EAT/695/99
E.A.T.: Judge Peter Clark, Ms S. Corby and Mrs. D. Palmer

REVIEW

At the hearing of the applicant's complaint, at which he appeared in person, he consented to withdraw all the claims made in the originating application save for those based on sexual and racial grounds. Subsequently solicitors wrote to the tribunal on his behalf saying that he had not intended to withdraw his claims for breach of contract or redundancy pay and seeking a review. The chairman replied stating that, as the tribunal had made no decision but exercised "administrative functions," the order as to withdrawal was not capable of review.

JUDGE COLLINS, allowing an appeal by the applicant against the refusal of a review, said that the power to review was set out in rule 11 of the Employment Tribunals Rules of Procedure 1993, and rule 13(2)(*a*), on its face, indicated that if an applicant gave notice of the withdrawal of his originating application the tribunal had a discretion whether or not to dismiss the proceedings. That was borne out by *Staffordshire County Council v. Barber* [1996] I.C.R. 379, where the decision was that the "application is dismissed on withdrawal by the appellant" and Neill L.J. said: "the order . . . was a judicial decision . . . It was not a mere administrative act." Plainly the chairman had not had *Barber's* case in mind when he expressed his view that the decision was not one capable of review because it was a mere administrative act. His decision not to review must be reversed, and, since that decision appeared to have been that of a chairman acting alone, under rule 11(6)(*b*) the review must be heard by a tribunal appointed by either the President of the Employment Tribunals or a regional chairman.

Thomas v. Merton Racial Equality Council; 2 March 2000; EAT/30/99
E.A.T.: Judge Collins, Mr. I. Ezekiel and Mr. D. A. C. Lambert

STRIKING OUT

The original hearing of an employee's complaint of unfair dismissal was adjourned when he failed to reappear after lunch, claiming by fax and telephone that his daughter was seriously ill. At the adjourned hearing the tribunal, having heard the employee as to his daughter's illness, held that he had shown total disregard for the tribunal's directions and had not produced evidence to show why he could not attend throughout the original hearing, and it decided to dismiss his complaint because of his failure to attend and give evidence at the original hearing. The tribunal also found that the employee had acted frivolously, vexatiously and unreasonably and made an award of costs against him.

JUDGE PETER CLARK, allowing an appeal by the employee, said that the employee's principal point was that the employment tribunal had no power to strike out his claim without determining it on its merits. Thus, the question arose as to under which rule the power had purportedly been exercised. Rule 9(3) of the Employment Tribunals Rules of Procedure 1993 provided that, if the applicant failed to attend at the time fixed for the hearing, the tribunal might dismiss the application or adjourn the hearing. Those were alternative options. In the present case the tribunal had adjourned the hearing. It followed that there was no power to dismiss the application under rule 9(3). Rule 13(2)(*e*) contained an alternative power to strike out an originating application. But it was a necessary precondition of the exercise of that power that one or other of the two limbs of rule 13(3) had first been complied with. It was common ground that the opportunity to add a rule 13(3) notice to letters to the applicant had been missed. Accordingly, the critical question was whether the applicant had been "given an opportunity to show cause orally why the order should not be made." The employer's submission, at its highest, was that by implication the applicant had been given that opportunity. That was simply not sufficient. The question whether conduct was scandalous, frivolous or vexatious required careful analysis: see *E. T. Marler Ltd. v. Robertson* [1974] I.C.R. 72. The tribunal's decision was fatally flawed and must be set aside.

En'Wezoh v. London Forum Hotel Ltd.; 16 March 2000; EAT/1153/98
E.A.T.: Judge Peter Clark, Ms S. Corby and Miss C. Holroyd

TIME LIMIT

On an employee's complaint of racial discrimination, the employment tribunal concluded that the only act complained of which fell within the three-month time limit was the employee's internal appeal from the imposition of a written warning in disciplinary proceedings and held that no inference could be drawn that at the appeal hearing the employer unlawfully discriminated against the employee on racial grounds.

CHARLES J., dismissing an appeal by the employee, said that *Adekeye v. Post Office* [1993] I.C.R. 464 was authority for the proposition that an internal appeal could be an "act complained of" within section 68(1) of the Race Relations Act 1976, but did not support the employee's submission (i) that the tribunal should have treated as the complaint the whole process of disciplining her or (ii) that section 68(7)(*b*) should be applied. *Cast v. Croydon College* [1998] I.C.R. 550 and *Akhtar v. Family Services Unit* (6 November 1997, Court of Appeal) demonstrated that there was a real difference between (i) whether an act complained of was a reconsideration, rather than a confirmation of, an earlier decision and (ii) whether section 68(7)(*b*) of the Race Relations Act 1976 applied. They were also authority to the effect that, on the question whether section 68(7)(*b*) applied, it was the existence of a policy, regime or practice that mattered rather than a specific act triggering the complainant's application. No policy, regime or practice had been asserted. The tribunal were correct to conclude that the appeal was a separate act and that section 68(7)(*b*) did not apply. *Aniagwu v. Hackney London Borough Council* [1999] I.R.L.R. 303 did not support the submission that, generally, when an internal appeal was within three months of the application, there should be an extension of time under section 68(6) to bring in complaints which were the subject matter of the appeal process. It was authority that (i) one circumstance to be taken into account, in exercising the discretion under section 68(6), was that an applicant had been going through an internal grievance procedure which could resolve the issues, and (ii) there was force in the proposition that it was reasonable to go through and exhaust such procedures rather than go to law. The tribunal had had regard to both those points.

Dean v. Islington London Borough Council; 1 December 1999; EAT/594/97
E.A.T.: Charles J., Mr. R. Sanderson and Mrs. M. Sunderland

TIME LIMIT

Where an employee's complaint of unfair dismissal had been presented four days after expiry of the three-month time limit, an employment tribunal found that it had not been reasonably practicable to present it within time, since the employee's solicitor's procedure, whereby the originating application had been posted two weeks before the expiry of the time limit and a check had been made two weeks later as to receipt of an acknowledgement from the tribunal, was what could be expected of a reasonably diligent solicitor.

JUDGE COLIN SMITH Q.C., allowing an appeal by the employers, said that the employment tribunal concluded that decided cases did not impose an absolute duty on a solicitor to ensure that every application put in the post was actually received in time. The employers submitted that, where an applicant who was minded to present a complaint to a tribunal was represented by a solicitor and the solicitor chose to post the complaint to the tribunal, the solicitor must have in place a system which allowed the solicitor to check *before* the expiry of the time limit that it had in fact been received by the tribunal. The employee submitted that reasonable practicability was a question of fact for the employment tribunal and that the appeal tribunal should not interfere with its conclusion. But a solicitor must have in place a system which would provide for a check that a complaint entrusted to the post had in fact arrived in time, i.e., the check had to be made before the expiry of the three-month period. Such a requirement was plainly reasonable and reflected the aim of such a system—ensuring complaints were presented within time limits. Judged by that standard the employee's solicitor's system was demonstrably flawed and did not fulfil the standard set in *Capital*

Foods Retail Ltd. v. Corrigan [1993] I.R.L.R. 430 of taking all steps to see that an application was timeously presented.

Listers Solicitors Ltd. v. Lambert; 27 January 2000; EAT/729/99
E.A.T.: Judge Colin Smith Q.C., Mr. D. Jenkins and Mr. P. Wickens

WAGES

An employee who had been absent from work due to sickness told her employers that she was fit to return to work and produced a doctor's certificate to that effect. The employers refused to allow her to return until, six weeks later, their own doctor was satisfied that she was fit. A claim by the employee for unlawful deduction of wages in respect of that six-week period was dismissed by the employment tribunal on the ground that there was no term, express or implied, in the employee's contract of employment which required the employers to pay wages to her while they awaited confirmation from their medical adviser that she was fit to resume work.

Lord Johnston, allowing an appeal by the employee, said that at common law an employee who was offering her services to her employer was entitled to be paid unless a specific condition of the contract regulated otherwise. The employee could do no more in respect of her side of the contract than proffer her services against a background of a certificate of good health. It was for the employer to show that the contract expressly entitled him to withhold payment. There was no such provision in the employee's contract. Accordingly, the employment tribunal misdirected itself and should have held in favour of the employee.

Beveridge v. KLM UK Ltd.; 16 February 2000; EAT/1044/99
E.A.T. (Sc.): Lord Johnston, Miss S. Ayre and Mr. R. Thomson

[2000] I.C.R. Part 5

CONSTRUCTIVE DISMISSAL

An employee, who had resigned after being told shortly before she was due to return from maternity leave that the job she would be expected to perform on her return would differ from what she had been doing previously, complained that she had been unfairly dismissed. An employment tribunal dismissed her complaint on the ground that at the time the employee resigned matters were still in negotiation between the parties and that she had not been constructively dismissed.

Mr. Commissioner Howell Q.C., allowing an appeal by the employee, said that the only issue was whether the employers had committed an anticipatory breach of the employee's contract of employment which gave rise to her leaving and thus to her being constructively dismissed. The tribunal's decision fell into error in two important respects. It was clear from the employers' letter that a material change in the employee's role was admitted to be involved and that there was a serious issue whether the changes required were of a fundamental nature, yet the tribunal appeared to have recorded no clear finding on that issue. Secondly, the tribunal failed to address with sufficient clarity the question whether there had been an anticipatory repudiation of the contract in the employers' letter, even though, as the tribunal found, the point had not been reached at that stage where it could be said that there had been an actual dismissal. In so holding the appeal tribunal rejected a submission by the employers that considerations of an anticipatory repudiation were irrelevant in circumstances such as those of the present case. There was no reason in principle why an employer, who, instead of waiting until a woman on maternity leave actually returned to work to spring a change on her, gave a clear indication in advance that the conditions of her old job would no longer be available and that she must accept a fundamental change when she returned, should not be held thereby to have evinced an intention not to continue performing his part of the original contract. That would be capable of giving rise to an anticipatory breach entitling the employee, by due acceptance, to treat the contract as at an end straight away. The question that needed to be addressed in any particular case was not whether as a matter of principle a repudiatory breach was capable of taking place in such circumstances at all, but whether the facts in fact established that a breach of such a nature had taken place.

Nelson v. Kingston Cables Distributors Ltd.; 2 May 2000; EAT/662/99
E.A.T.: Mr. Commissioner Howell Q.C., Mrs. T. A. Marsland and Mr. K. M. Young

DISABILITY DISCRIMINATION

A complaint of disability discrimination by a nurse who failed to obtain a post at the respondent hospital because of her history of bulimia nervosa was dismissed by an employment tribunal on the ground that, although bulimia nervosa was capable of giving rise to a disability within section 1 of the Disability Discrimination Act 1995, on the facts, the applicant's ability to carry out normal day-to-day activities, in regard to the matters in paragraph 4(1)(*g*) and (*h*) of Schedule 1 on which she relied, was not affected.

Judge Peter Clark, dismissing an appeal by the applicant, said that the question for the tribunal was not whether a person suffering from bulimia nervosa was or was not disabled, but whether on the facts the tribunal was satisfied that the effects of that condition had a substantial adverse impact on the day-to-day activities of the particular applicant. The respondent submitted that as a matter of fact and degree the tribunal was not so satisfied; that it had been careful to distinguish between actual and perceived danger and found, in relation to the applicant's self-mutilation, that there was no evidence that the applicant failed to perceive danger to herself; and that, as to loss of concentration, it was a question of fact for the tribunal that it was not satisfied that her failure to complete academic modules was attributable to the effects of her condition. The appeal tribunal entirely endorsed the purposive approach to the question of whether a person was disabled within section 1 of the Act of 1995, as indicated in *Goodwin v. Patent Office* [1999] I.C.R. 302. However, the appeal tribunal had to guard against simply taking a different view of the evidence from that of the employment tribunal. For the reasons advanced by the respondent, the appeal tribunal was unable to accept the applicant's submissions.

Gittins v. Oxford Radcliffe Hospital NHS Trust; 4 May 2000; EAT/193/99
E.A.T.: Judge Peter Clark, Mr. P. Dawson and Miss C. Holroyd

DISABILITY DISCRIMINATION

An employee who worked with persons suffering from mental illness became depressed after a number of years and had to take sick leave. When her employment was brought to an end, she complained, inter alia, of disability discrimination. On a preliminary point to determine whether her illness counted as a disability within section 1 of the Disability Discrimination Act 1995, the employment tribunal found that the degree of impairment was not such as to have a substantial adverse impact on her normal day-to-day activities so as to satisfy the statutory test.

Mr. Commissioner Howell Q.C., allowing (by a majority) an appeal by the employee, said that the reference in *Goodwin v. Patent Office* [1999] I.C.R. 302, 307 to the tribunal's role containing "an inquisitorial element" meant no more than that the tribunal was obliged, as expressly recorded in rule 9 of the Employment Tribunals Rules of Procedure 1993, to conduct the hearing in a fair and balanced manner, without regarding itself as simply refereeing a dispute, but to intervene and make its own inquiries in the course of the hearing of such persons and witnesses appearing before it as it considered appropriate. That did not extend its role as far as placing on it the duty to conduct a free-standing inquiry of its own requiring it to attempt to obtain evidence beyond that placed before it on the issues raised before it. The tribunal in the present case appeared to have given careful consideration to all the relevant issues placed before it and properly directed itself to the questions that needed to be answered. But a further question was whether in its stated reasons the tribunal had given the parties a reasonable explanation, not only of what its conclusions were on the very difficult questions of fact and degree entrusted to it, but also of the reasoning process which had led the tribunal to reach its conclusion. The majority of the appeal tribunal was concerned at the apparent lack of clarity in the tribunal's stated reasoning on the question of whether it had addressed, and made specific findings on, what the effects of the employee's condition, in regard to the nature and degree of impairment suffered, would have been if the effects of medication she was taking had been left out of the reckoning. Though that was a difficult mental exercise, it was one a tribunal was obliged to attempt by the specific provisions of paragraph 6 of Schedule 1 to the Act of 1995.

Pottage v. Stonham Housing Association Ltd.; 6 April 2000; EAT/935/99
E.A.T.: Mr. Commissioner Howell Q.C., Mr. P. Jacques and Mr. R. N. Straker

PRELIMINARY ISSUE

An employee's complaint that she had been dismissed for a reason related to her disability was listed for hearing on a preliminary issue stated to be limited to whether, having regard to the three-month time limit for bringing a complaint, the employment tribunal had jurisdiction. The tribunal made a finding, contrary to the position indicated by the pleadings of both parties, that the employee had not been dismissed and held that it had no jurisdiction to hear the complaint.

Lindsay J., allowing an appeal by the employee, said that, where a tribunal had told the parties, in writing, that it would limit itself to a particular question and a party had tendered a medical certificate and did not attend but said that the tribunal could go ahead in her absence, it was an error of law for the tribunal to go outside the specified issue and the common ground that existed. Whether it would have been proper so to decide if the applicant employee had been present and had the matter explained to her might be a different matter. The question of jurisdiction had truly depended on whether it was just and equitable to extend time and the tribunal knew it was the employee's contention that for three months she had not known that she had been dismissed. It might have been wiser, when she indicated that the matter could go ahead without her, to have cautioned her that her absence might lead to an adverse consequence on the most substantial question of whether there should be an extension on just and equitable grounds.

Gillespie v. St. Martin's Hospital Group (Devonshire Hospital); 20 March 2000; EAT/1348/98
E.A.T.: Lindsay J., Mr. N. D. Willis and Miss S. M. Wilson

RACE DISCRIMINATION

An employee who had been rejected for a new post shortly before he was dismissed, complained that, in rejecting his application, his employers had discriminated against him on the ground of his race. An employment tribunal dismissed his complaint as out of time, having been made over a year after his unsuccessful application.

Judge Collins, dismissing an appeal by the applicant employee, said that the applicant contented that the employers had a racially discriminatory policy which, since it meant that any application he made would be turned down on racial grounds, was a continuous act of discrimination. The authorities relied on by the applicant, which included *Cast v. Croydon College* [1998] I.C.R. 500, did not support his argument that wherever there was a discriminatory policy any person who might be affected by that policy was discriminated against for as long as the policy existed. The case of someone who was not an employee, who had to rely on section 4(1) of the Race Relations Act 1976, depended on the arrangements which were made for determining who should have employment, the terms on which employment was offered or a refusal to offer employment. Those were one-off, not continuing, acts, and the line of authority the applicant sought to follow had no application. It might have been different if the applicant had continued to be employed by the employers throughout the relevant period, because he might have been able to rely on section 4(2)(*b*) discrimination in the way the employers had afforded him access to opportunities for promotion.

Tyagi v. BBC World Service; 3 April 2000; EAT/726/99
E.A.T.: Judge Collins, Mrs. R. Chapman and Mr. D. Lambert

REVIEW

An employment tribunal chairman sitting alone dismissed an employee's complaint of unauthorised deductions of wages under the enlarged jurisdiction conferred pursuant to the Employment Tribunals Act 1996. The chairman, again sitting alone, refused an application by the employee for a review made under rule 11(1) of the Employment Tribunals Rules of Procedure 1993.

Judge Collins, dismissing an appeal by the employee, said that the appeal was misconceived. It proceeded on the basis that the chairman did in fact conduct a review hearing and that he had no power to do so alone. But it was clear that the chairman had thought that a review had no reasonable prospect of success and accordingly refused the application for a review under rule 11(5) of the Rules of Procedure 1993. The chairman had, however, proceeded to consider an argument which had been raised as to the effect of rule 11(6) and rule 13(8)(*c*). Rule 13(8)(*c*) provided that any act authorised by the rules to be done by a tribunal might be done by a chairman except the review of a decision under rule 11(1). In the most recent update of *Harvey on Industrial Relations and Employment Law*, para. T–1126, a distinction was drawn between decisions under rule 13(8), which related to matters in respect of which a chairman had power to act alone by virtue of the rules, and decisions made as a result of the enlarged powers under the Employment Tribunals Act 1996. The chairman had pointed out that when he heard the complaint he was not acting under rule 13(8), but that it was section 4(2)(3) of the Act of 1996 that gave him jurisdiction. The essential feature of a review was that it gave the tribunal which had heard the case the opportunity to reopen its decision if it thought it right to do so for one of the reasons specified in rule 11(1). It would be nonsensical if the Act gave the chairman power to sit alone on the originating application but the rules took away the power to review his own decision. The appeal tribunal agreed with *Harvey*. Rule 11(6) did not preclude the review by a chairman alone of his own decision where that decision had been made under statutory authority.

Forbes v. Churchill College; 15 March 2000; EAT/1038/99
E.A.T.: Judge Collins, Mrs. M. T. Prosser and Mr. J. A. Scouller

TIME LIMIT

An employee who was dismissed on 30 September 1998 posted an originating application complaining of unfair dismissal using the Royal Mail special delivery service on 23 December 1998, expecting it to be delivered the following day, but it did not arrive until 4 January 1999. The employment tribunal, having itself raised the issue of its being out of time when the complaint came on for hearing, found that it had been "reasonably practicable" for the application to have been presented within the requisite period of three months prescribed by section 111 of the Employment Rights Act 1996.

Mr. Commissioner Howell Q.C., allowing an appeal by the applicant, said that the employment tribunal had correctly approached the question it had to decide under section 111(2)(*b*) on the basis that delivery to the appropriate tribunal office was required before the document could be said to have been "presented." *Beanstalk Shelving Ltd. v. Horn* [1980] I.C.R. 273 confirmed that the issue for the tribunal was whether there was a reasonable expectation, from the steps the applicant actually took, of the originating application being delivered at the tribunal office in time, which was a less stringent test than that of actual physical practicability at any date in the three-month period. There appeared to have been a failure by the tribunal to take proper notice of the special nature of the Royal Mail special delivery service. The fact that it ought to involve an expectation of guaranteed next day delivery was a matter of which judicial notice could properly be taken without having to be proved by evidence. The apparent failure of the tribunal to inquire into the details of the service used by the applicant was of particular importance, since the applicant was an unrepresented party, taken by surprise at the hearing when the question was raised by the tribunal itself without prior warning. If he had been given the opportunity he would have been able to produce evidence of the fact that use of the service should have resulted in delivery on 24 December 1998 and its failure to do so was something totally abnormal and unexpected. The employment tribunal had failed to show that the question of a reasonable expectation of delivery in time had been adequately addressed, and the appeal tribunal would substitute a finding that the originating application was presented within a reasonable period after the expiration of the time limit.

Lancaster v. DEK Printing Machines Ltd.; 14 April 2000; EAT/623/99
E.A.T.: Mr. Commissioner Howell Q.C., Mr. J. R. Crosby and Mr. P. Dawson

TRANSFER OF UNDERTAKING

On a complaint by an employee that he had not been given information in relation to the transfer of his employment from the first to the second respondent, in breach of regulation 10 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, the employment tribunal upheld a submission that the transferor's only obligation under the Regulations was to inform a representative of the employees and that, as there was no such representative, there was no one to inform and no breach of duty.

BURTON J., on an appeal by the employee, said that the transferor had agreed that the appeal should be allowed, and, though it was not possible or appropriate to overturn the considered opinion of a tribunal by consent, the employee had had no difficulty in persuading the appeal tribunal to allow the appeal. It was unfortunate that before the employment tribunal the employee had not relied on regulation 10(7) of the Regulations of 1981 as he should have done and that the tribunal had not been referred to *Reg. v. Secretary of State for Trade and Industry, Ex parte UNISON* [1996] I.C.R. 1003. In that case there had been a challenge that the Regulations had failed adequately to implement Council Directive (77/187/E.E.C.) in that there was no provision for the designation of employee representatives where an employer did not agree to representation. The Divisional Court held that there was no lacuna in the protection of employees. Applying the Regulations, the answer was that there was a "primary" duty on an employer to inform employee representatives under regulation 10(2); that, if an employer did not inform employee representatives he was in breach of the regulation, whether or not such representatives existed; and that what might otherwise seem strange, namely, imposing a statutory duty to do the impossible, was remedied in two ways. First, provision was made by regulation 10(8) that where an employer had invited any employees to elect representatives his duty was fulfilled by consulting those representatives. Secondly, under regulation 10(7) where special circumstances rendered it not reasonably practicable to perform the duty under paragraph (2) the employer should take such steps towards performing the duty as were reasonable. It was plain that one special circumstance which rendered it not reasonably practicable for an employer to perform a duty to consult was the absence of employee representatives. The step to resolve that problem was for the employer to invite an employee to appoint a representative and, if none was appointed, the employer was entitled to perform his duty under regulation 10(2) by informing the employee himself.

Russell v. Bacon's College; 28 March 2000; EAT/98/99
E.A.T.: Burton J., Mr. D. Lambert and Miss A. Mackie

[2000] I.C.R. Part 6

APPEAL

At a remedies hearing following a finding of unfair dismissal, an employment tribunal gave summary reasons for rejecting the applicant's request for reinstatement. The applicant appealed, serving a copy of the summary reasons with the notice of appeal. The appeal tribunal informed him that it was not in proper form, there being no extended written reasons as required by rule 3(1)(*c*) of the Employment Appeal Tribunal Rules 1993. An application to the employment tribunal for extended reasons was refused by the chairman on the ground that it was out of time.

JUDGE PETER CLARK, dismissing an appeal by the applicant against the refusal to provide extended reasons, said that regulation 2(2) of the Employment Tribunals (Constitution and Procedure) Regulations 1993 drew a distinction between "decisions" and certain "orders" of employment tribunals. The employment tribunal's remedies decision was a "decision" properly so-called; the chairman's refusal to provide extended reasons was an order, not a "decision." Under rule 10 of the Employment Tribunals Rules of Procedure 1993 the employment tribunal was obliged to provide extended written reasons for "decisions" only. Consequently, there was no mechanism to provide extended written reasons for an order not amounting to a "decision" so as to permit an appellant to comply with rule 3(1)(*c*) of the Employment Appeal Tribunal Rules 1993. Accordingly, and as a matter of invariable practice, the appeal tribunal entertained appeals against a refusal to provide reasons under the powers granted to it by rule 39. But, no good excuse had been put forward by the applicant for the default in not applying for the extended reasons within the time limit, and the applicant had not shown that the chairman took an irrelevant factor into account or that his refusal to provide extended reasons was perverse. On the issue which then arose as to whether the appeal tribunal should exercise its discretion under rule 39 to allow the applicant's appeal against the remedies decision itself to proceed on summary reasons only, it was the appeal tribunal's view that there were insufficient findings in the summary reasons to permit the appeal to proceed without causing unfair prejudice to the respondent.

Griffiths v. North East Derbyshire District Council; 10 May 2000; EAT/612/99
E.A.T.: Judge Peter Clark, Sir Gavin Laird and Mr. J. C. Shrigley

COSTS

An employment tribunal upheld an employee's complaint that he had been constructively and unfairly dismissed. Thereafter the employer obtained evidence which suggested that the employee was already undertaking other work at the time he resigned.

NELSON J., allowing an appeal by the employer, said that the appeal tribunal was satisfied that there was evidence that satisfied the threefold test in *Ladd v. Marshall* [1954] 1 W.L.R. 1489 for the admission of fresh evidence and that it was not too late or inappropriate to order a rehearing. That conclusion having been reached, the employee, rather than having a rehearing of his complaint, had decided to withdraw his claims. The employer accepted the withdrawal but sought an order for costs against the employee. It was an unusual case, where, in the exceptional circumstances, it was appropriate to order costs. It was plain and obvious that the fresh evidence fell within the *Ladd v. Marshall* principles and pre-eminently called for a rehearing. The appeal had, in those circumstances, been unnecessarily resisted by the employee and it was proper to make an order for costs. However, looking at the matter as a whole, it was appropriate to make a nominal order. The order would be for £500 payable in 28 days.

Telewest Communications v. Smallcombe; 18 May 2000; EAT/238/99
E.A.T.: Nelson J., Mrs. J. M. Matthias and Mr. S. M. Springer

EMPLOYEE

An applicant complained that he had been discriminated against on the ground of his race within the meaning of section 4(2)(*c*) of the Race Relations Act 1976 when his former employers showed that it was not practicable to comply with an order to reinstate him, made following a finding that he had been unfairly dismissed. The employment tribunal dismissed the complaint of race discrimination on the ground that the applicant was not employed by the employers at the time of the events complained of.

MORISON J., dismissing an appeal by the applicant, said that the appeal tribunal was bound by the Court of Appeal decision in *Post Office v. Adekeye* [1997] I.C.R. 110, though there was a strong argument for adopting a purposive approach to section 4 of the Act of 1976 and making it elastic enough to cover acts of discrimination against former employees. The employment relationship in the most general sense outlived the contractual relationship; there were references, pension matters and other post-employment events which linked an ex-employee with his former employer. It would be intolerable if a former employer could blacken the former employee in the marketplace because he had successfully sued his former employer in a tribunal. The Court of Appeal might wish to review the decision in *Adekeye* in the light of the decision of the Court of Justice in *Coote v. Granada Hospitality Ltd.* (Case C-185/97) [1999] I.C.R. 100.

D'Souza v. Lambeth London Borough Council; 27 June 2000; EAT/360/96
E.A.T.: Morison J., Mr. N. Willis and Mr. K. M. Young

REDUNDANCY

An employee who had worked for the employers in the west of Scotland and was asked to work on a specific project in Edinburgh for a limited time was dismissed at the end of the project on the ground of redundancy. An employment tribunal upheld his complaint of unfair dismissal, holding that, in the absence of evidence that the employers had selected candidates for redundancy from their workforce as a whole and not just those engaged on the Edinburgh project, they had acted unreasonably in dismissing the applicant.

Lord Johnston, dismissing an appeal by the employers, said that, while it was always difficult to decide what a pool for selection for redundancy ought to be in a multinational company with many contracts in operation at one time at different sites, all of which were probably on a temporary basis, in the present case it had not been appropriate to restrict the pool merely to people working temporarily at Edinburgh and, at the very least, some effort ought to have been made by the employers to ascertain whether persons of the same grade as the employee working in the west of Scotland were better qualified to be made redundant.

Balfour Beatty Construction Ltd. v. Baird; 7 June 2000; EAT/120/00
E.A.T.(Sc.): Lord Johnston, Dr. A. H. Bridge and Mr. R. P. Thomson

STRIKING OUT

In response to an originating application, dated 21 January 1999, complaining of "victimisation and discrimination," on 13 April the employment tribunal asked the applicant's representative to provide particulars as to which legislation was relied on and who the comparators were. The representative failed to get the letter, and, no reply having been received, the tribunal wrote to the applicant on 27 April giving him 14 days to provide reasons why his application should not be struck out for want of prosecution. A letter from the representative in response, dated 5 May, was not received by the tribunal, and on 14 May 1999 the originating application was struck out. A review was refused by a chairman.

Nelson J., allowing an appeal by the applicant, said that the first letter from the tribunal was a request for further particulars under rule 4 of the Employment Tribunals Rules of Procedure 1993. Though there was provision under rule 4(7) to strike out for failure to comply with a request for particulars, the second letter, which made no mention of the earlier request, was sent, not pursuant to rule 4(7), but under rule 13. Though rule 13(2)(*f*) was a free-standing power to strike out for want of prosecution, it was inappropriate for the tribunal simply to change to acting under rule 13. Having embarked on the request for particulars under rule 4, the tribunal erred in failing to continue by giving the appropriate notice under rule 4(7). In any event, the proper interpretation of rule 13(3) required that, where the tribunal sent a document, the consequence of which might be the striking out of the originating application, it should give full information as to the nature of the default being alleged, even if there had been earlier correspondence which referred to it. As to the review, there was a failure under rule 11(5) in that the chairman should not have determined the factual dispute, namely, whether the reasons put forward could prevent the decision to strike out being reached, by himself, because that could only be dealt with by the full tribunal.

Jadeja v. Royal Mail; 5 May 2000; EAT/772/99
E.A.T.: Nelson J., Mr. P. Parker and Mr. S. M. Springer

TIME LIMIT

An originating application prepared by an employee's union, complaining that he had been unfairly selected for redundancy, was faxed to the Edinburgh office of the employment tribunals on the last day of the three-month time limit. It was forwarded to, and received by, the Central Office in Glasgow the following day. The employment tribunal noted that in Scotland an originating application had to be presented at the Central Office and that there was no provision for the substitution of any other office and it held the claim out of time.

Lord Johnston, dismissing an appeal by the employee, said that it was clearly a harsh case, but that was nothing to the point. The issue of reasonable practicability had been expressly eschewed by the applicant's representative in the employment tribunal and that issue could not now be raised. In those circumstances, the appeal tribunal endorsed the approach of the employment tribunal, faced only with the task of construing the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993 against a factual background that the relevant document had not been lodged timeously with the Glasgow office. Lodging with the Edinburgh office was not to be regarded as presentation, since that office had no actual or delegated power to receive it in the sense of rendering it as a competent presentation.

Melville v. Brown Brothers & Co. Ltd.; 8 June 2000; EAT/110/00
E.A.T.(Sc.): Lord Johnston, Mr. G. R. Carter and Mr. P. Hunter

VEXATIOUS PROCEEDINGS

Following the withdrawal of her original complaint of, inter alia, unfair dismissal, an applicant presented a further 12 originating applications to the employment tribunal, all of which were either withdrawn or struck out. Appeals by the applicant to the appeal tribunal and applications for leave to appeal were all dismissed. The Attorney-General applied for a restriction of proceedings order under section 33 of the Employment Tribunals Act 1996.

Judge Peter Clark, granting the application, said that the applicant's conduct could properly be characterised as vexatious. By persistently launching fresh proceedings relating back to her original dismissal and its alleged effects the applicant had sought to harass the various respondents to those applications. It was not open to the applicant to challenge the individual findings by different employment tribunals that her proceedings were vexatious. The applicant contended that she had never had her claims heard and determined and that that was a denial of her right to a fair hearing before an impartial tribunal, contrary to article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1953). That submission overlooked those applications which had been dismissed on withdrawal by the applicant herself. She had not shown any breach of article 6 and, further, the making of a restriction of proceedings order would not of itself constitute a breach of article 6(1).

Attorney-General v. King; 4 May 2000; PA/0074/00
E.A.T.: Judge Peter Clark, Mrs. T. A. Marsland and Mrs. R. A. Vickers

WITNESS ORDER

While a complaint of race discrimination stood adjourned part heard, the employment tribunal issued three witness orders ex parte, at the request of the applicant. The respondent's solicitors, acting on behalf of the witnesses, sought an interlocutory hearing before a full tribunal to set aside or vary the witness orders. The tribunal chairman directed that submissions relating to the witness orders should be heard at the start of the resumed hearing.

Judge Collins, dismissing an appeal by the respondent and the witnesses against the witness orders and the tribunal's refusal to give reasons for its decision to make the orders, said that the employment tribunal had been under no obligation to exercise its power to require, pursuant to rule 13(5) of the Employment Tribunals Rules of Procedure 1993, that the application for the witness orders should be on notice. When an application was made to set aside a witness order the tribunal should deal with it expeditiously and judicially and give reasons for their decision, but it would be an intolerable burden on tribunals if, every time they had an application for a witness order, written reasons for their decision to make the order had to be given, though the position might be different where an order was refused. The witness orders had been made within the jurisdiction of the employment tribunal. It had not been suggested that the chairman did not have power to make the orders. It was inconvenient from the witnesses' point of view that they had to turn up at the resumed hearing, even though it might turn out after argument that they did not have to give evidence, and it would have been desirable for every effort to have been made to have the question determined before that date, but if the alternative was to adjourn the resumed hearing of the case to a later date that would have been a greater evil. But those were not matters in respect of which the appeal tribunal was entitled to intervene.

Croydon London Borough Council v. Kuttappan; 21 March 2000; EAT/173/00
E.A.T.: Judge Collins, Lord Davies of Coity and Miss S. M. Wilson

[2000] I.C.R. Part 7

COMPENSATION

On an employee's complaints of unfair dismissal and sex discrimination, alleging protracted homophobic bullying by fellow employees and a failure by the employer to take appropriate action, liability was conceded, and the employment tribunal made, inter alia, an award of £11,000 for injury to feelings which included an element of aggravated damage, and an award of £12,020 for loss of pension rights.

BURTON J., dismissing an appeal by the employee against those amounts, said that aggravated damages were not intended to punish a respondent. The decision of the Court of Appeal in Northen Ireland in *McConell v. Police Authority for Northern Ireland* [1997] I.R.L.R. 625, though not binding, made plain that an award of aggravated damages should not be an extra sum over and above the sum which the tribunal of fact considered appropriate compensation for the injury to the claimant's feelings and should not be treated as an extra award which reflected a degree of punishment for a respondent's behaviour. The right course was to arrive at a figure which included whatever sum was thought to be appropriate by way of aggravated damages in order to reflect the sum for injury to feelings, and, in any event, there was nothing objectionable in the fact that the employment tribunal did not allocate a specific item to aggravated damages. On the employee's contention that £11,000 was simply too little, the basis for compensation was limited by the way in which the sex discrimination was alleged and conceded, namely, that the employer treated him differently from the way it would have treated a woman in relation to the investigation of his complaint and not on the basis of the very serious mistreatment by his fellow employees. The tribunal had correctly directed themselves on the basis of *Prison Service v. Johnson* [1997] I.C.R. 275 and the amount was not obviously wrong or objectionable in any way. In respect of the pension loss, it might well be that there should have been separate evidence as to the availability of employment with a similar pension, but there was no such evidence, and the employment tribunal, taking into account their knowledge and industrial experience, appeared to have made a perfectly reasonable decision that the employee would find such employment within two years.

Harris v. Post Office; 25 February 2000; EAT/171/99
E.A.T.: Burton J., Sir Gavin Laird and Mr. P. Parker

CONSTRUCTIVE DISMISSAL

An employee who resigned when it was proposed that he should move from his position as business manager to that of sales executive at a different branch complained of unfair constructive dismissal on the grounds of breach of the express salary and status term of his contract and of the implied term of mutual trust and confidence. An employment tribunal found that the employer's conduct did not amount to a breach of the employee's contract of employment and that he had not been dismissed.

JUDGE PUGSLEY, allowing an appeal by the employee, said that the employee's central submission was that the tribunal had at no stage properly directed themselves as to a breach of the implied term of mutual trust and confidence, so that they failed to appreciate that describing something as a proposal did not preclude its being a breach of the implied term. The tribunal had failed clearly to set out the test in *Woods v. W. M. Car Services (Peterborough) Ltd.* [1981] I.C.R. 666, 670, namely, that an employer should not without reasonable and proper cause conduct itself in a manner calculated and likely to destroy or seriously damage the relationship of confidence and trust between employer and employee. If *Woods* had been cited the tribunal would have appreciated the growth in the concept of breach of that implied term. The central allegation of the employee's case was that a former employee had been recruited to take his place. If the tribunal had properly directed themselves, they would have found themselves required to make a finding as to whether the employer conducted itself in a manner calculated and likely to destroy or seriously damage the relationship of trust and confidence rather than merely stating that it was "tempting" to accept the employee's proposition that he was being moved out to make way for the former employee. That matter ought to be determined afresh. Courts and tribunals were entitled to receive as much help as they could from advocates as to propositions of law, but the responsibility for directions on law rested with them.

Chambers v. Hartwell Services Ltd.; 11 February 2000; EAT/936/98
E.A.T.: Judge Pugsley, Lord Davies of Coity and Miss S. M. Wilson

COSTS

An appeal by an applicant from an order of an employment tribunal, under rule 9(3) of the Employment Tribunals Rules of Procedure 1993, dismissing her originating application, whereby she made a number of complaints against her employer, on the ground of her non appearance, was dismissed by the appeal tribunal.

JUDGE PETER CLARK, on the employer's application for costs, said that legal aid had always been unavailable for representation before employment tribunals. Thirty-five years on, the task for a lay person presenting their own case was daunting. The applicant's representative was part of an organisation that operated on a "no win, no fee" basis. With nothing to pay unless she won, what had the applicant to lose? The employer had made an offer, without admission of liability, of £2,500 to settle her claim. The employment tribunal had ordered the applicant to pay costs of £250 because her representative had failed to put her case in order. The case had been dismissed for non attendance, a disastrous tactical decision by her representative. An appeal had been pursued wholly unrealistically. The applicant had no redress. Her representative was answerable to no regulatory body and carried no professional indemnity insurance. Ought she to be visited with further costs? The employer was a non-profit making health care provider. It had taken a commercial view of the litigation and sought a settlement. The offer did not appear to have been properly considered by the applicant's representative, and the employer was saddled with the costs of continuing to resist the claim. The applicant's conduct in pursuing the appeal, particularly after a warning as to costs, had been unreasonable. The appeal tribunal had no power to make a wasted costs order against the representative. An order for costs of £1,500 would be made against the applicant.

Ben-Edigbe v. Nuffield Hospital; 21 October 1999; EAT/1406/98 & 302/99
E.A.T.: Judge Peter Clark, Mr. A. E. R. Manners and Mr. R. Sanderson

EMPLOYMENT TRIBUNAL

At the end of an employee's case of unfair dismissal, the employment tribunal, acceding to a submission by the employers that there was no case to answer, found that there had been no breach of contract by the employers such as to give rise to constructive dismissal.

JUDGE ALTMAN, allowing an appeal by the employee, said that, though the employment tribunal had established the correct approach when considering a submission of no case to answer and the right test in seeking to determine whether there had been a breach of contract, it was not apparent that they had considered the totality of the allegations of pressure under which the employee alleged she had worked or whether the conduct in relation to one incident had within it elements which contributed to the repudiatory conduct, notwithstanding that that aspect of the employers' conduct, when viewed alone, might not have been a breach of contract. The employment tribunal had erred in law in failing to address those matters. A further matter raised by the employee was a reference by the employment tribunal to the fact that they had read the statements of the employers' witnesses. It was obviously desirable that if witness statements were read they should be clearly ignored for the purpose of considering a submission of no case, for otherwise witnesses would effectively have the benefit of giving their evidence free of cross-examination. In the present case, the statements probably did not alter the facts very greatly. However, unless a tribunal made it clear on the face of their decision that, if they had read witness statements in advance, they formed no part of their decision, the decision was liable to be challenged on the ground that, though the submission of no case should be made at the close of the applicant's case, it appeared to have been made with some consideration of the respondent's evidence.

Parascandola v. Hawtin; 16 June 2000; EAT/972/99
E.A.T.: Judge Altman, Mr. D. A. C. Lambert and Mr. B. M. Warman

RESTRICTED REPORTING ORDER

An employment tribunal made an order under rule 23(2) of the Employment Appeal Tribunal Rules 1993 that the names of the parties were not to be published on the ground that the case involved allegations of the commission of a sexual offence.

NELSON J., on a preliminary point as to whether the restricted reporting order should be continued in relation to an appeal from the substantive decision of the employment tribunal, said that it was clear on the face of section 31 of the Employment Tribunals Act 1996, under which rule 23(2) was made, that such rules, in so far as the appeal tribunal was concerned, were intended to refer to proceedings on an appeal against, first, a decision by an employment tribunal to make, or not to make, a restricted reporting order, and, secondly, any interlocutory decision of an employment tribunal. The present proceedings were neither, and the appeal tribunal could not, therefore, apply rule 23(2) to them. The appeal tribunal did, however, have an inherent jurisdiction to make such orders as were appropriate to protect parties and their rights. Various factors had to be weighed when looking at the question of whether the inherent jurisdiction should be exercised, not only in the interests of the administration of justice but also the freedom of the press. A factor that had to weigh heavily was that, if Parliament had not given powers beyond that clearly expressed to make orders, the court should be reluctant before exercising an inherent jurisdiction to go beyond that. The appellant applicant did not seek to assert her right to privacy and was neutral as to whether the order should be continued, and the respondents also adopted a neutral stance. In those circumstances, and the fact that only in an indirect sense did the case involve and depend on an allegation of a sexual offence, the appeal tribunal was not satisfied that it would be appropriate to exercise its inherent jurisdiction. Accordingly, the limitation on the description of the parties was no longer applicable.

Leonard v. Southern Derbyshire Chamber of Commerce; 19 May 2000; EAT/789/99
E.A.T.: Nelson J., Mrs. R. A. Vickers and Mr. G. H. Wright

UNFAIR DISMISSAL

An employee who had suffered a series of unconnected minor ailments was dismissed for persistent absenteeism through illness, following four written warnings. An employment tribunal, while criticising the language of the written warnings as more appropriate to disciplinary warnings, found that the dismissal was within the range of responses of a reasonable employer and that the dismissal was fair.

JUDGE COLLINS, dismissing an appeal by the employee, said that it was well established that incapacity or persistent absenteeism for a variety of unconnected ailments, in themselves minor, might be an admissible reason for dismissal. But the employee submitted the tribunal had failed to address an issue as to whether the employer had believed that the injury to which the employee's final absences were attributable was genuine. An employer was perfectly entitled to dismiss an employee who had been frequently absent for medical reasons over a significant period of time, whether or not the employee was in any way at fault, provided the employer had carried out a proper procedure including warning and counselling. The employment tribunal found that there had been a fair review on each of the occasions when the employee had been given a warning and it had been entitled to come to the conclusion it did. It had been submitted that, even if the employer was dismissing for genuine persistent absences with no element of deliberate malingering, it should have sought medical advice before taking the decision to dismiss. It was not a case where it would have been helpful to seek medical advice: the employee had had a large number of unconnected ailments over the years, and the employer was entitled to look at the whole history, the warnings that had been given, and decide whether it was prepared to continue to shoulder the burden of an employee who had been absent on so many occasions.

Davis v. Tibbett & Britten Group Plc.; 29 February 2000; EAT/460/99
E.A.T.: Judge Collins, Mrs. R. Chapman and Mr. P. Dawson

UNFAIR DISMISSAL

An employee employed by a contractor to work as a materials clerk on an oil platform was dismissed following a representation made by the oil company owning the platform, pursuant to a term in the contract between the company and the contractor for the supply of personnel, that they no longer wished the employee to continue to work on the platform in that capacity. A complaint by the employee that he had been unfairly dismissed by the contractor was upheld by the employment tribunal.

Lord Johnston, allowing an appeal by the contractor, said that the contractor's main submission was that the tribunal had misdirected itself in assessing the reasonableness of the contractor's conduct under section 98(4) of the Employment Rights Act 1996. Reference was made to *Dobie v. Burns International Security Services (U.K.) Ltd.* [1983] I.C.R. 478 in support of the proposition that where potentially the intervention of a third party could lead to an injustice being perpetrated against the employee such was less likely to be sustainable if the employee's own contract put him at risk or on warning that such intervention could take place. That was precisely the position in the present case with regard to the terms of the employee's contract. The employment tribunal had confused the position as between what might be necessary investigation or conduct or action on the part of an employer looking towards a possible dismissal on grounds of capability or misconduct with a situation where the employer was simply faced with an intractable client making a request which was legitimately being made in the contractual context. It was important to emphasise that there was no suggestion that the oil company was seeking the dismissal of the employee but merely his removal from the platform in the capacity of materials clerk. If the proper test was applied, i.e., the tribunal stepping back and assessing the conduct and actions of the employer in the actual context to determine the issue of reasonableness, the tribunal would inevitably have reached the opposite conclusion, namely, that the contractor acted reasonably in responding to the legitimate request of the oil company but nevertheless taking considerable steps to offer the employee alternative employment. It was the employee's refusal to accept the alternative employment that led to the contract of employment being terminated.

KCA Drilling Ltd. v. Breeds; 8 June 2000; EAT/130/00
E.A.T.(Sc.): Lord Johnston, Mr. G. R. Carter and Mr. P. Hunter

UNFAIR DISMISSAL

An employment tribunal upheld an employee's complaint of unfair dismissal for gross misconduct, on two grounds: first, that the employer's investigation was flawed and, secondly, that, even if the employee had behaved as the employer contended, dismissal was outside the range of reasonable responses.

Judge Peter Clark, allowing in part an appeal by the employer, said that weighing up what was required for a reasonable investigation was essentially a question of fact and degree for the employment tribunal, and its finding on that issue was permissible on the facts, but the tribunal's second finding could not stand. It had not even been suggested on the employee's behalf that dismissal for the offence alleged fell outside the range of reasonable responses. Accordingly, although the appeal was allowed to that extent, the tribunal's finding of unfair dismissal stood but for the first reason only. That result would have a material effect on the tribunal's approach to remedies. Instead of determining the remedy on the basis that the dismissal was unfair even on the employer's case, it would be for the tribunal to determine what remedy was appropriate in circumstances where an inadequate investigation had been carried out. It did not follow that had the investigation not been flawed the result would have been different. That might be the loss of a chance under the principle in *Polkey v. A. E. Dayton Services Ltd.* [1988] I.C.R. 142. Further, the question of contribution might arise. In that event it would be for the tribunal to determine *as a matter of fact* whether or not the employee was guilty of the conduct alleged and, if so, to what extent he had contributed to his own dismissal.

Medway Community Living Services Ltd. v. Poole; 16 November 1999; EAT/59/99
E.A.T.: Judge Peter Clark, Mr. D. A. C. Lambert and Mr. J. C. Shrigley

[2000] I.C.R. Part 8

COLLECTIVE AGREEMENT

Following the implementation by employers of a scheme, negotiated with a number of trade unions, to convert payment of employees from cash to credit transfer at four-weekly intervals, an employee, whose union had not accepted the proposal, claimed that the employers had made a deduction from his wages in contravention of section 13 of the Employment Rights Act 1996. An employment tribunal chairman dismissed the claim, holding that, as his contract of employment gave the right to relevant unions to make agreements concerning his remuneration, it was not open to the employee to make his own individual arrangement and that his union had accepted the variation by its conduct in not pursuing its objection.

JUDGE WILSON, dismissing an appeal by the employee, said that there was no dispute about the existence of a collective agreement. There was undisputed evidence that on previous occasions when a pay bargain had not been accepted by all the unions concerned it had nevertheless been implemented. No industrial action had followed because the matter was acquiesced in by the union which had not positively agreed and was accepted by its members. Both sides knew that and expected it to happen in relation to the present agreement. That seemed to be an industrial device of which the lay members of the appeal tribunal were aware and which was widely found and came within the term "arrangement" for the purposes of the definition of collective agreement in section 178(1) of the Trade Union and Labour Relations (Consolidation) Act 1992. That led to the question whether, where there was a collective agreement, the individual union member retained an individual right of veto if he personally did not agree with what was being acquiesced in on his behalf. The appeal tribunal were unanimous that individual rights were abdicated when a collective agreement existed. For the situation to be otherwise would result in industrial chaos. The employee's submission that failure to present money in a pay packet was not remedied by putting money in the bank would also be rejected.

Martyres v. Connex South Eastern Ltd.; 24 May 2000; EAT/834/99
E.A.T.: Judge Wilson, Mr. D. Chadwick and Mr. P. R. A. Jacques

COSTS

An employment tribunal granted a request by respondent employers for an adjournment due to late changes in an employee's case of disability discrimination and, in the exercise of its powers under rule 12(4) of the Employment Tribunals Rules of Procedure 1993, made an order disallowing any allowances which would be paid to the employee at a future date for his attendance at the tribunal that day.

KEENE J., allowing an appeal by the employee, said that it was submitted, first, that the power under rule 12(4) only arose in respect of allowances already paid by the Secretary of State for Trade and Industry; in other words, that it did not entitle a tribunal to disallow in advance the payment of an allowance which was to be paid by the Secretary of State at some date in the future. On the face of it the language of rule 12(4) when read with rule 12(1) could be seen as dealing with an order to pay to the Secretary of State money which had been paid in the past. It would, however, be absurd if a tribunal had to wait until, at some date after the hearing, the allowances had been paid to the claimant and it could then consider exercising its powers under rule 12, and there was an alternative construction which avoided absurdity. Rule 12 did not prevent as such a tribunal making an order in advance of the payment of an allowance by the Secretary of State. The inclusion of the words "shall pay" rather than "do pay" in rule 12(1)(*b*) should be accorded some significance, with the consequence that the provision could be construed as allowing an order to be made dealing with the future situation in which the Secretary of State would have paid an allowance and the order would then require the recipient to pay that allowance back to the Secretary of State. Accordingly, the power exercised by the tribunal did exist in so far as it related to the future payment of an allowance by the Secretary of State. However, the second point made by the employee was that there was no power under rule 12(4) to make an order in respect of allowances against a party other than the party who applied for the postponement or adjournment. The inclusion of the words "that party" in rule 12(4) was undoubtedly a reference back to the party making the application for the postponement or adjournment. The employee's argument was correct and there was no power under rule 12(4) to make the order and it would be quashed. If in a case like the present the underlying cause of the application for the postponement was to be found in the unreasonable or disruptive conduct of the other party who did not apply for an adjournment, the tribunal should consider exercising its power under rule 12(1), which enabled it to make the appropriate order against the party at fault.

Bruce v. Northampton Borough Council; 20 July 2000; EAT/751/99
E.A.T.: Keene J., Mr. P. R. A. Jacques and Mr. T. C. Thomas

DISABILITY DISCRIMINATION

An employee, who was dyslexic, was dismissed from his position as a financial adviser for failing to follow certain sales procedures. An employment tribunal dismissed his complaint of disability discrimination on the ground that, although the dismissal was related to his disability, it was justified within the meaning of section 5(3) of the Disability Discrimination Act 1995, given the importance of the procedures involved.

JUDGE PETER CLARK, dismissing an appeal by the employee, said that the employee submitted that it was not open to the employment tribunal to find that the employers had made out the justification defence where at the time of the internal appeal hearing the appeals manager had not carried out sufficient investigation into the effects of the employee's disability. The appeal tribunal could not accept that proposition. Section 5(3) of the Act of 1995 was not precisely analogous to the requirement under section 98 of the Employment Rights Act 1996 that an employer could only rely on the reason for dismissal known to him at the time of dismissal. There was nothing in section 5(3) which prevented an employer from raising the justification defence simply because he had not carried out sufficient investigation. Either he could justify the treatment or he could not. The employment tribunal had been entitled to conclude that the employers had satisfied the relatively low burden suggested by Lindsay J. in *H.J. Heinz Co. Ltd. v. Kenrick* [2000] I.C.R. 491, 496 497.

Banyard v. Prudential Assurance Co. Ltd.; 19 June 2000; EAT/1431/99
E.A.T.: Judge Peter Clark, Miss A. Mackie and Mr. R. Sanderson

ESTOPPEL

An employment tribunal chairman found, on a preliminary issue, that previous county court proceedings by an applicant for breach of contract, which had proceeded on the basis that the applicant worked for the respondents under a contract for services, did not raise an estoppel so as to preclude the applicant from pursuing a claim of unfair dismissal against the respondents.

KEENE J., in allowing an appeal by the respondents on different grounds, said that the objective lying behind the doctrine of issue estoppel was to ensure that issues once determined by a competent court were not the subject of an attempt to re-litigate them. But, the judge in the county court had not decided the issue of whether the applicant was an employee or self-employed. It had not been an issue that fell for determination. There was a distinction to be drawn between issues which were determined between the parties in previous proceedings, either by the court on the merits or by concession by one of the parties, and matters which were never truly in issue between the parties in the earlier proceedings. In the present case the nature of the contract between the parties and the applicant's status had never been in issue in the county court proceedings and was in no sense fundamental to the county court claim. All the applicant had had to do in those proceedings was plead the existence of *a* contract and that money was due under it. It had not been essential to the applicant's claim or the court's judgment that it was a contract for services as opposed to a contract of service. The court never determined such an issue, nor did its judgment and order amount to any such determination, whether on the merits in the narrow sense or by way of concession.

Field Emission Ltd. v. Payne; 11 July 2000; EAT/354/00
E.A.T.: Keene J., Lord Davies of Coity and Mr. T. C. Thomas

HOLIDAY PAY

An employer calculated an employee's entitlement to 10 days' holiday pay, at the termination of his employment, by dividing his monthly salary by the number of calendar days in the month of termination to obtain a day's pay and multiplying the result by 10. The employment tribunal held that under the Apportionment Act 1870 the correct way of calculating a day's pay was as one 365th of the year's pay and accepted the employer's calculation, dismissing the employee's claim that he had not been properly paid in respect of his holiday entitlement.

MAURICE KAY J., allowing an appeal by the employee, said that in *Thames Water Utilities v. Reynolds* [1996] I.R.L.R. 96 the appeal tribunal held that the computation of a day's holiday pay was to be made by reference to the Apportionment Act 1870 and based on calendar, not working, days. That was clearly correct and the present case was indistinguishable. But the employee argued that it was erroneous to deploy the method of calculation which varied with the number of days in the particular month of termination, and he contended that an entitlement to 10 days' holiday pay was based on two working weeks and that that meant an entitlement of 14 calendar days, taking into account two weekends. The appeal tribunal, though caused some difficulty by those submissions, had concluded that they were correct. It was more in accordance with industrial practicalities to have an approach which was not subject to monthly variations, and "grossing up" to a seven-day week was more consistent with the spirit of *Reynolds* case. It also reflected recent legislation.

Taylor v. Lowe; 20 July 2000; EAT/1287/99
E.A.T.: Maurice Kay J., Mrs. A. Gallico and Mr. A. D. Tuffin

RACE DISCRIMINATION

An employee, of Afro-Caribbean origin, took part in racial banter between staff and employers at work which included giving him the nickname "Uncle Tom". An employment tribunal dismissed his complaint of racial discrimination, holding that, although the employee found some conversations with one of the directors and the nickname racially offensive, he had not formally expressed his concern to his employers and he would have done so had he in fact been concerned.

JUDGE WILCOX, allowing an appeal by the employee, said that it was perverse of the employment tribunal, having found that the employee found the racial observations offensive, to conclude that he was not concerned. It was submitted by the employers that that did not matter, as the employee had, in any event, to go on to show that there was in fact a detriment over and above any insult. In *Reed v. Stedman* [1999] I.R.L.R. 299, 302 the appeal tribunal said: "A characteristic of sexual harassment is that it undermines the victim's dignity at work. It creates an 'offensive' or 'hostile' environment for the victim and an arbitrary barrier to sexual equality in the workplace." That could equally be a detriment in circumstances such as the present. Though the authorities gave some guidance on the detriment that had to be shown, at the end of the day it was the individual case that had to be considered. The tribunal had reached a perverse finding of fact and by reason of that did not go on to consider whether there had been a detriment, having regard to loss of dignity and perceived change of treatment. The tribunal had placed a lot of weight on the racial badinage between people in the office, but one had always to remember that badinage between people of equal status was one thing; badinage where there was an employer who had the whip hand and an employee might be quite another. The matter would be remitted for rehearing.

Ryan v. E92 Plus Ltd.; 7 June 2000; EAT/960/99
E.A.T.: Judge Wilcox, Lord Davies of Coity and Mrs. J. M. Matthias

WAGES

An employment tribunal upheld an employee's claim that a term of his contract of employment, which provided that a failure on his part to give and to work his four-week notice period would result in a deduction from his final salary equivalent to the number of days short, was an unlawful penalty clause.

MAURICE KAY J., dismissing an appeal by the employer, said that as a matter of general principle a contract might contain a lawful liquidated damages clause, provided that it was a genuine pre-estimate of loss or damage and not a penalty. Contracts of employment were governed by the same general principles. The clause in question in the present case did not have attached to it the express label of either "liquidated damages" or "penalty." It was a matter of pure construction. It was of significance that the clause did not seek to place any limitation on the right of the employer to recover damages for his actual loss in the event of its being greater than that specified in the clause and the calculation it laid down. Thus, the employee was in a position where if the actual loss turned out to be nil he was liable for the calculable sum, but if the loss was greater than the calculable sum he might face an unlimited claim for the balance. It was difficult to see how, in the circumstances, the calculable sum could represent a genuine pre-estimate of loss. It was a penalty clause and as such unenforceable.

Giraud U.K. Ltd. v. Smith; 26 June 2000; EAT/1105/99
E.A.T.: Maurice Kay J., Mr. P. R. A. Jacques and Mr. K. M. Young

[2000] I.C.R. Part 9

DISABILITY DISCRIMINATION

A job applicant stated in his letter of application that he was disabled and would welcome the opportunity to discuss his special needs at interview. When he failed to be short-listed he presented a complaint of disability discrimination. Rejecting the complaint, the employment tribunal considered only whether the respondents had treated the applicant less favourably for a reason which related to his disability contrary to section 5(1) of the Disability Discrimination Act 1995.

JUDGE PETER CLARK, dismissing an appeal by the applicant, said that it was quite clear that section 5 of the Disability Discrimination Act 1995 raised two separate and discrete causes of action: the section 5(1) claim (direct discrimination) and the section 5(2) read with section 6 claim (failure to make reasonable adjustments). It was also clear that a finding against an applicant on his section 5(1) claim would not of itself preclude a finding in his favour on a section 5(2) claim. It was submitted on behalf of the applicant that the tribunal had not addressed the question of reasonable adjustments raised by section 5(2). The respondents submitted that no section 5(2) complaint was properly before the employment tribunal for determination. The originating application did not differentiate between claims brought under section 5(1) and (2), and in setting out the nature of his case the applicant said that his job application "was viewed less favourably than others." The applicant had mentioned reasonable adjustments for the first time in his closing submissions at the end of the tribunal hearing. On behalf of the applicant it was argued that raising the question of his disability in his original job application put the respondents under a duty to consider what adjustments they ought to make when dealing with his application. It was common ground that the onus lay on an applicant to make out his case under section 5(2)(*a*). In *Mensah v. East Hertfordshire NHS Trust* [1998] I.R.L.R. 531 the Court of Appeal stated that it was for an applicant to bring forward the whole of his case in evidence and argument for the employment tribunal to rule on. The appeal tribunal was satisfied that the respondents had had no prior notice of a section 5(2) claim. It was too late to raise the matter in the closing submissions. Merely to raise the question of his disability in his job application was not sufficient to put a section 5(2) claim in issue before the tribunal without more.

Rudzki v. Manchester Metropolitan University; 27 June 2000; EAT/640/99
E.A.T.: Judge Peter Clark, Mrs. D. M. Palmer and Mr. G. H. Wright

PROCEDURE

An employee presented four originating applications claiming unlawful race discrimination, breach of a compromise agreement, breach of contract, victimisation and unfair dismissal. At the end of the evidence from and on behalf of the employee, heard over 10 days, the employer submitted that there was no case to answer. The employment tribunal, in a reserved decision, acceded to the submission so far as the breach of the compromise agreement was concerned and in respect of some of the claims of race discrimination and victimisation, but found that on a number of other discrimination and victimisation claims it wished to hear evidence from the employer. It also found that the employee had been wrongfully dismissed, and the employer conceded unfair dismissal on that claim. After a further hearing the tribunal dismissed the employee's remaining claims.

Keene J., in dismissing appeals by the employee, said that it was not suggested on behalf of the employee that an employment tribunal should never stop a race discrimination case at the end of the applicant's case, but reliance was placed on the passage in *King v. Great Britain-China Centre* [1992] I.C.R. 516, 529B which stated that "*at the conclusion of all the evidence* the tribunal should make findings as to the primary facts and draw such inferences as they consider proper from those facts." Those words should not be taken out of context or interpreted in a way which was clearly not intended. The Court of Appeal had not been dealing explicitly with a "no case" ruling. It was clear from the leading judgment by Neill L.J. that a tribunal could properly, if unusually, make such a ruling, though a tribunal would, none the less, have to proceed with considerable caution. The employment tribunal had not departed from the approach spelt out in *King's* case. Their decision was not perverse on the evidence, though it would be rare for a tribunal in a discrimination case to be able to say on an issue that there was no case to answer. Significantly, on many of the applicant's claims the tribunal had not felt able to do so. It was an exceptional case where the tribunal, provided with a mass of material over 10 days, was in a position in respect of some of the claims properly to say that a prima facie case had not been established because the position was already clear.

Dhariwal v. Greenwich London Borough Council; 26 July 2000; EAT/276 & 551/96
E.A.T.: Keene J., Dr. D. Grieves and Mr. R. Sanderson

REDUNDANCY

An employee dismissed for redundancy complained that she had been unfairly dismissed and that the employer had failed to consult employee representatives in accordance with section 188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992. Upholding both complaints, the employment tribunal found that, for the purposes of section 188(1), there was no real organisational link between the employer's direct sales staff, to which the employee was assigned, and the rest of the employees stationed at a particular office, whereas the direct sales department had been treated by the employer as a distinct entity within its organisation prior to the redundancies.

Judge Peter Clark, dismissing an appeal by the employer against the finding of failure to consult, said that the sole issue before the employment tribunal had concerned the meaning of the words "at one establishment" in section 188(1). The employee contended that the relevant establishment was the employer's direct sales team nationwide, in which case the 20-employee threshold in section 188(1) was passed. The employer argued that the relevant establishment was the office at which the employee was based, in which case only two employees were to be dismissed and no breach of duty under section 188(1) arose. There was no definition of "establishment" in the Act, though the expression had been the subject of judicial consideration. Reference had been made to a number of authorities, and from *Barratt Developments (Bradford) Ltd. v. UCATT* [1978] I.C.R. 319 one could draw the general principle that the question as to what constituted "one establishment" was essentially a question of fact for the employment tribunal. The European Court of Justice had considered the meaning of "establishment" as it appeared in article 1(1)(a) of the Collective Redundancies Directive 75/129 in *Rockfon A/S v. Specialarbejderforbundet i Danmark* (Case C-449/93) [1996] I.C.R. 673, 689 and said, at para. 34: "the term 'establishment' . . . must be understood as meaning, depending on the circumstances, the unit to which the workers made redundant are assigned to carry out their duties. It is not essential, in order for there to be an 'establishment,' for the unit in question to be endowed with a management which can independently effect collective redundancies." The employer submitted that the tribunal had fallen into error by relying on the lack of unity in the various activities carried on by the employer at the office at which the employee worked and that a connection between functions or activities at a particular place was not a requirement of the *Rockfon* test. That submission was rejected. Had the redundancies been announced at the employee's local office it might well have been that that would have been the relevant establishment; however, the redundancies had been directed solely to the direct sales team nationwide. That organisation was capable of fulfilling the requirements of "a unit to which the workers made redundant are assigned." The employment tribunal so found and were entitled to do so.

Mills & Allen Ltd. v. Bulwich; 8 June 2000; EAT/154/99
E.A.T.: Judge Peter Clark, Lord Davies of Coity and Mrs. R. A. Vickers

SEX DISCRIMINATION

An employee resigned when, because of childcare difficulties, she was unable to continue in her full-time job and her employers had refused her request to work from home, purchasing necessary equipment at her own expense, or to take unpaid leave for up to six months. An employment tribunal dismissed her complaint of indirect sex discrimination on the ground that she had not established that a "requirement or condition," within the meaning of section 1(1)(*b*) of the Sex Discrimination Act 1975, had been applied to her which did not already exist.

Maurice Kay J., allowing an appeal by the employee, said that it was submitted on behalf of the employee that the words "requirement or condition" had to be given a sufficiently wide meaning to include matters that were no more than aspects of the current contractual obligations, and that properly so construed they ought to have resulted in a finding that the employers had applied a requirement or condition. The employers, while not taking issue with the basic principle expounded on behalf of the employee, submitted that the tribunal had reached a proper determination of the question whether there was a "requirement or condition" on the evidence before it. It seemed to the appeal tribunal that a request to work from home at one's own expense was conceptually similar to a request to work part-time. The employers' response to the alternative proposals put forward by the employee did impose a requirement or condition as a matter of law. The matter would be remitted to the same employment tribunal on the basis that there was a requirement or condition applied within the meaning of section 1(1)(*b*).

Lockwood v. Crawley Warren Group Ltd.; 28 June 2000; EAT/1176/99
E.A.T.: Maurice Kay J., Mr. S. M. Springer and Mrs. R. A. Vickers

STRIKING OUT

The chairman of an employment tribunal made an order striking out an applicant's claim of unlawful race discrimination. In refusing to review that decision the chairman said that it was not in dispute that the originating application had been presented outside the statutory time limit.

Charles J., allowing an appeal by the applicant, said that it was common ground that no notice had been sent under rule 6 of the Employment Tribunals Rules of Procedure 1993, and in those circumstances it had rightly not been argued that the decision to strike out, or not to allow the proceedings to continue, could be justified, or supported, on the basis that the claim had been brought out of time. The respondent's argument was that the basis of the chairman's decision was not that the originating application had been presented more than three months after the last act complained of but that the applicant's claim was frivolous and/or vexatious and should be struck out under rule 13(2)(*d*) of the Rules. An employment tribunal could not strike out an originating application pursuant to rule 13(2)(*d*) simply on the basis that it had concluded that the application had little prospect of success, though that did not mean that the prospects of success were not a determining factor in determining whether proceedings were an abuse of process, or frivolous and/or vexatious. However, a conclusion that a claim had "little prospect of success" was not the same as a conclusion that it was manifestly misconceived and, further, it did not found a conclusion that it was being brought for an improper purpose or in bad faith. In the present case, there was no finding that the applicant was bringing his claim for an improper purpose or that he was in any way acting in bad faith. The existence of rule 7(4) (which provided a specific power in respect of contentions of a party which an employment tribunal concluded had no reasonable prospect of success) had the consequence that an employment tribunal would err in law if it struck out a claim, or part of a claim, solely on the basis that it had "little prospect of success," which was a better prospect than that referred to in rule 7(4). It was also the case that a tribunal had no power under rule 13(2)(*d*) to strike out simply on the ground that the application was presented out of time. That was a separate jurisdictional issue, and before an employment tribunal decided that it should not hear a complaint on that basis, it had to consider whether in all the circumstances it would be just and equitable for it to hear the claim out of time. However, it would be permissible in some cases for an employment tribunal to have regard to the fact that a claim was brought out of time in the overall consideration of the issue whether or not a claim amounted to an abuse, or was frivolous or vexatious in, for example, the sense that it was being brought for an improper purpose or in bad faith. The respondent had rightly accepted that, if the reasons for the decision to strike out were that the application had little prospect of success and had been brought out of time, the tribunal had erred in law. That was because those points simply or together did not of themselves constitute conduct that was frivolous or vexatious or an abuse. In the judgment of the appeal tribunal, a natural reading of the reasons demonstrated that the chairman was of the view that proceedings would be frivolous if they had little prospect of success and had been brought outside the statutory time limit. It followed that the reasons for the decision to strike out demonstrated that the chairman had erred in law or had failed to provide adequate reasoning in support of his decision.

Harakis v. Department of Health; 6 April 2000; EAT/803/98
E.A.T.: Charles J., Mr. D. J. Jenkins and Mr. J. R. Rivers

[2000] I.C.R. Part 10

DISABILITY DISCRIMINATION

On an employee's complaint of disability discrimination alleging that he had not be notified of, or put forward by his line manager for, vacant posts because of his disability, the employment tribunal found no evidence of any direct discrimination on the ground of the employee's disability and held that they could not draw any inference of discrimination, particularly as most of those involved in notifying employees "did not know the applicant was disabled."

CHARLES J., dismissing an appeal by the employee's personal representative, said that *Clark v. Novacold Ltd.* [1999] I.C.R. 951 was authority for the proposition that, in determining whether a person had been less favourably treated under section 5(1)(*a*) of the Disability Discrimination Act 1995, knowledge by the relevant decision-maker of the disability was not a necessary, or vital, ingredient of the statutory test. It followed that the conclusion of the appeal tribunal in *O'Neill v. Symm & Co. Ltd.* [1998] I.C.R. 481 as to the relevance of knowledge was no longer good law. However, that did not mean that in every case such knowledge was irrelevant in respect of the statutory test posed by section 5(1)(*a*) because in some cases such knowledge would be relevant to show that the reason for the less favourable treatment related to the disability. In the examples given in *Clark's* case that was not the case and in those, and many other, cases the reason would necessarily relate to the disability, but in other cases knowledge and/or motivation would need to be shown, or inferred, to establish that the reason for the less favourable treatment did relate to the disability. The present was such a case in respect of the two reasons why the employee had not been considered for the vacancies. As to the first, there was no necessary connection with his disability and it followed that knowledge was relevant to establish the relationship between the reason and the disability. As to the second, the same points applied and in any event the line manager knew of his disability; it followed that the relevant question was the one considered by the employment tribunal, namely, whether the line manager was motivated in not putting the employee forward by the fact that he was disabled.

Connor v. British Telecommunications Plc.; 20 July 2000; EAT/10/98
E.A.T.: Charles J., Mr. P. M. Smith and Miss S. M. Wilson

DISABILITY DISCRIMINATION

On an employee's complaint of disability discrimination in relation to his dismissal from his employment, the employment tribunal found that the applicant was disabled within the meaning of the Disability Discrimination Act 1995, but that the employer, quite reasonably, did not know that he was so disabled and, accordingly, could not be held to have dismissed him "for a reason which relates to [his] disability" for the purposes of section 5 of the Act.

The tribunal accordingly dismissed the complaint, but went on to find that, had the issue of justification arisen, they would have found in the employer's favour.

LORD JOHNSTON, dismissing an appeal by the applicant, said that, in general terms, the proper test to be applied to the question of relationship between either dismissal or less favourable treatment and disability was that enunciated in *H. J. Heinz & Co. Ltd. v. Kenrick* [2000] I.C.R. 491, 499, para. 26: "there is [nothing in the statutory language] that requires that the relationship between the disability and the treatment should be ajudged subjectively, through the eyes of the employer, so that the applicable test should be one of whether the relationship exists, not whether the employer knew of it." Though in certain cases the lack of actual knowledge which was rationally based, in the sense that the employer would have absolutely no reason to consider that the condition existed, might still be an answer to any charge of discrimination, and to that extent the conclusions in *O'Neill v. Symm & Co. Ltd.* [1998] I.C.R. 481 could be supported, as soon as factors existed which put the employer on his guard, the employer must pause and if necessary take steps to determine whether there existed a state of disability which required to be addressed, whether by section 6 in terms of adjustment or by not dismissing or treating the employee less favourably. In *Kenrick's* case such factors existed, as they did in the present case. In particular the employee had been injured at work and off work by reason of that injury. In those circumstances, the finding that there was no act of discrimination in the dismissal could not stand. But that was not the end of the matter, since the definition of discrimination was subject to the overall proviso of justification; and, having regard to the tribunal's findings on that issue, the appeal failed.

Heggison v. A. & W. Bernard Ltd.; 30 March 2000; EAT/1276/99
E.A.T.(Sc.): Lord Johnston, Mr. G. R. Carter and Mr. R. P. Thomson

JOINDER OF RESPONDENT

An employment tribunal chairman held that he had no jurisdiction, under rule 17 of the Employment Tribunals Rules of Procedure 1993, to join, as a further respondent to an employee's complaint of unfair dismissal, a company whom the respondent employers sought to join as the transferee of the employers' business, in circumstances where the employee herself sought no relief against that company.

JUDGE WILKIE Q.C., dismissing an interlocutory appeal by the employers, said that the employers had argued that, in order to be capable of being joined under rule 17, which provided that a tribunal might "direct any person against whom any relief is sought to be joined as a party," a "person" need not be somebody against whom any party to the proceedings was actually seeking relief, it being sufficient that there was a possibility that relief could have been sought against them by any party. In other words, the tribunal had jurisdiction to join the company because the employee could have sought relief against it as an alternative to the employers. In the alternative, the employers submitted that, in any event, they were seeking relief against the company in the sense that a denial of liability on a certain and specific ground which involved an assertion of liability in someone else constituted a seeking of relief against that third party. The appeal tribunal took the view that the words of rule 17 were perfectly clear and unambiguous. The only person who could be joined was a person against whom relief was sought, not a person against whom relief might be sought by a party who in fact did not wish to seek relief and therefore did not wish them to be joined. The employers alternative argument overstated the position as a matter of law. If they were right in saying that liability had transferred to the company, the employee would lose the claim and that would be relief which was complete in itself by assertion of their defence. The only relief the employers sought was from their liability to the employee. It would be an abuse of language to say that they sought any relief from the company.

Eemtrans (UK) Ltd. v. McMahon; 11 July 2000; EAT/797/00
E.A.T.: Judge Wilkie Q.C., Dr. D. Grieves and Mrs. M. T. Prosser

SEX DISCRIMINATION

An employment tribunal, on complaints of sex discrimination, held that two employees had, through their absence on maternity leave and pregnancy-related sick leave, been denied any effective opportunity of being considered for a loyalty bonus, under a scheme which required employees to co-operate and show goodwill to effect the transfer of the department in which they worked to another region, and that the employer's failure to recognise the special status of female employees in such circumstances amounted to direct sex discrimination.

JUDGE WILKIE Q.C., dismissing an appeal by the employer, said that the employment tribunal had had regard to *Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2)* [1995] I.C.R. 1021 where it was held that employers had discriminated against the applicant by dismissing her because she was found to be pregnant, where she had been recruited for an unlimited term, even though she would not have been available for work at a time when the task for which she had been recruited fell to be performed. In such a case the fact that the reason she would be unavailable was pregnancy was a circumstance relevant to her case, being a circumstance which could not be present in the case of a hypothetical man. In the present case the employer argued that the employment tribunal had erred in looking at the bonus scheme in the context of the indefinite contract of employment rather than looking exclusively at the terms of the scheme on its own as providing for a definite payment for a definite purpose for a definite period. The employees pointed out that the scheme was intimately linked with the contract of employment and required the employee to do no more than comply with the terms of the contract, namely, to co-operate and show goodwill; that it was a special scheme within a contract of indefinite duration offering a loyalty payment for those who continued with the contract until a specific date; and that as such it was subject to all the regular incidences of an indefinite contract of employment such as absence by reason of leave. That analysis was correct, and the employment tribunal were correct in concluding that the case fell within the mainstream principle established by *Webb*. The fact that the reason for the employees' absence from work which disqualified them from receiving payment under the bonus scheme was that they were taking maternity leave or suffering from pregnancy-related illness was a relevant consideration.

Gus Home Shopping Ltd. v. Green; 27 September 2000; EAT/994/99
E.A.T.: Judge Wilkie Q.C., Mr. S. M. Springer and Miss D. Whittingham

TIME LIMIT

An employee presented a complaint of disability discrimination more than three months after the date of his dismissal. The employment tribunal found that he knew of the time limit but had delayed making the complaint because he was pursuing an internal appeal, and dismissed the complaint, holding that it would not be just and equitable to extend time.

LINDSAY J., dismissing an appeal by the employee, said that the passage in the judgment of the appeal tribunal in *Aniagwu v. Hackney London Borough Council* [1999] I.R.L.R. 303, 304, to the effect that the applicant in that case was entitled to take the view that it would be sensible to seek to redress his grievance through the internal grievance procedure before embarking on legal proceedings, was not and did not purport to be a proposition of broad applicability such that, wherever and so long as there was an unexhausted internal procedure, delay to await its outcome necessarily furnished an acceptable reason for delaying the presentation of an originating application such as would, of itself and without more, lead to relief under, inter alia, paragraph 3 of Schedule 3 to the Disability Discrimination Act 1995. In *Singh v. Post Office* [1973] I.C.R. 437 and *MacDonald v. South Cambridgeshire Rural District Council* [1973] I.C.R. 611 the appeal tribunal had suggested that the Industrial Relations Act 1971 should be amended so that time did not run until after domestic process had been exhausted. Given that background Parliament could not have been unalive to the point, but it was notable that the recommendation was not adopted even in relation to a brand new jurisdiction such as disability discrimination. The appeal tribunal could only conclude that Parliament had quite deliberately not provided that invariably the running of time against an employer should be delayed until the end of the domestic processes. Accordingly, when delay on account of an incomplete internal appeal was relied on as, and found as a fact to be, a reason for delaying an originating application or failing to lodge it in time, it would ordinarily suffice for the employment tribunal to consider that fact fairly and put it into the balance when the justice and equity of the matter was considered.

Robinson v. Post Office; 12 July 2000; EAT/1209/99
E.A.T.: Lindsay J., Mr. K. Edmondson and Mr. I. Ezekiel

DISABILITY DISCRIMINATION

Employers dismissed an employee while he was on sick leave, not knowing that he was suffering from a disability. An employment tribunal dismissed the employee's complaint that the employers had discriminated against him by failing to make reasonable adjustments to take account of his disability, holding that, although the employee was disabled and his dismissal had been by reason of his disability, the employers had been justified in dismissing him.

Lord Johnston, allowing an appeal by the employee, said that the substance of the tribunal's decision was based on justification in a context where the employers were maintaining lack of knowledge of any disability. It followed, as a matter of fact, that during the currency of the employment the employers did not apply their mind to the issues raised by section 6 of the Disability Discrimination Act 1995 with regard to reasonable adjustment because to their mind the employee was simply off work on sick leave. But it was not appropriate for an employer to put the issue of justification before the tribunal where in fact he had never even attempted during the currency of the employment to take any steps which would base justification for the ultimate discriminatory act, that is to say, at least applying his mind to what should be done to accommodate the disablement. The situation would be different if, being aware of the disability, the employer did nothing because he considered there was nothing that could reasonably be done. The employment tribunal misdirected itself by turning its mind to the issue of justification. Having determined the issue of disability and having regard to the fact that dismissal was conceded to be a discriminatory act, the relevant issues were determined. Though the onus was on the employers to justify their actions against what would otherwise be an established discrimination, such onus could not be discharged if the matter had never even been considered by reason of ignorance of the disablement condition. In the rather unusual situation that arose, the employee having established that he had been discriminated against by reason of his dismissal, the appeal would be allowed and the matter remitted to consider the question of compensation.

Quinn v. Schwarzkopf Ltd.; 10 October 2000; EAT/409/00
E.A.T.: Lord Johnston, Mr. A. J. Ramsden and Dr. W. M. Spiers

EFFECTIVE DATE OF TERMINATION

Before the expiry of her redundancy notice an employee accepted a temporary job with her employers doing different work with the same pay and pension contributions and use of company car. On the employee's complaint of unfair dismissal, made within three months of the termination of the temporary job but more than three months after the expiry of the redundancy notice, an employment tribunal found that the effective date of termination of the employee's employment was the date the redundancy notice expired and that the complaint was out of time.

Lord Johnston, allowing an appeal by the employee, said that case law suggested that where employment actually continued beyond the date of termination, which was accepted to be the case for the purposes of continuity in the present case, there might be no dismissal or termination if the employment that continued was on substantially the same terms and conditions as that before the so-called date of termination. The corollary was that, if the continued employment was so different as to amount not to a continuation but to a re-engagement on different terms and conditions, there would be a termination of the previous contract of employment at the effective date. The contract which had governed the present employee's employment from the outset, while containing a number of terms and conditions, contained no actual work description. The question, therefore, was whether that contract continued, though different work was being performed. The relevant date of termination for the purposes of unfair dismissal would only be the date of expiry of the redundancy notice if the tribunal had adequately satisfied themselves that the further employment was sufficiently different to amount to a re-engagement. The tribunal had, however, misdirected themselves, because in every material respect—salary, pension entitlement, use of car and general hours of work—the essentials of the contract did not differ from the terms and conditions of the previous employment, the only material difference being that the employee was doing a different job in terms of the precise work she was doing. While material, that was not sufficient. The relevant date for determining the time limit was the cessation of her temporary employment, and her complaint was in time.

Wilson v. Stoddard International Plc.; 9 October 2000; EAT/377/00
E.A.T.(Sc.): Lord Johnston, Mr. G. R. Carter and Miss A. Martin

EMPLOYEE

On a claim for a redundancy payment, an employment tribunal found that the respondent company was insolvent and in liquidation and that the applicant had run the company and was not an employee, notwithstanding that he worked pursuant to a contract of employment and was paid through the PAYE system with deductions for tax and national insurance.

Mr. Recorder Langstaff Q.C., allowing an appeal by the applicant, said that an employee who was a general manager or chief executive could in every true sense be said to run the company of which he was an employee. The two were not mutually exclusive. No factor which tended to suggest that the applicant was other than an employee was set out in the tribunal's reasons. An employee was defined in section 230(1) of the Employment Rights Act 1996 as "an individual who has entered into or works under . . . a contract of employment." The applicant had entered into a contract of employment, and there was no suggestion that the document was a sham. The appeal tribunal had been inclined to conclude that, on any reasonable view of the facts recited by the employment tribunal, the applicant must on the basis of the statutory definition be an employee, quite apart from the fact that every other aspect of the work he did appeared to confirm that. However, the employment tribunal decision was very sparse and it might be that, given their reference to the payment of tax through the PAYE system as being "only one factor," there was other evidence before the tribunal which played a part, otherwise unspecified, in their conclusion. It was axiomatic that a tribunal should set out the facts in sufficient detail to let the parties know why they had won or lost. In the present case the tribunal had failed to do so. The proper course was to allow the appeal and remit the matter to a different tribunal for determination.

Georgiou v. Cleo Fashions LLC; 15 June 2000; EAT/1135/99
E.A.T.: Mr. Recorder Langstaff Q.C., Mr. D. A. C. Lambert and Mr. J. C. Shrigley

EMPLOYMENT TRIBUNAL

Following his dismissal for gross misconduct by way of abuse of his employer's sickness procedures, an employee brought claims before the employment tribunal of unfair dismissal and wrongful dismissal. After presentation of the employer's case, and before any evidence had been put forward by the employee, the tribunal, on a submission by the employee that there was no case to answer, held that, although the employee's conduct was an abuse of the sickness procedure and also dishonest, it did not amount to gross misconduct and the employer had been unreasonable in treating it as a sufficient reason for dismissal; and the tribunal found that the dismissal had been both unfair and wrongful.

Keene J., allowing an appeal by the employer, said that an employment tribunal did possess the power to stop a case at half-time by accepting a submission of no case to answer: see *Coral Squash Clubs Ltd. v. Matthews* [1979] I.C.R. 607; and nowadays that power derived from the general power to regulate its own procedures: see rule 9(1) of the Employment Tribunals Rules of Procedure 1993. The power would normally only be exercised where the onus of proof rested on a party who had failed to discharge that onus. Even where there was no onus of proof, as in the case of reasonableness in unfair dismissal cases, it was open to a tribunal, in an extreme case, to find on an employer's own evidence that the dismissal was unfair. But that was likely to be relatively rare, because it required the tribunal to be satisfied that nothing by way of evidence from the employee could alter that position. The comments in *Hackney London Borough Council v. Usher* [1997] I.C.R. 705, 714, were accurate statements of the principles on which an employment tribunal should act in exercising its power in instances where there was no onus of proof on a party. The present case did not meet that criterion. The employer's case on reasonableness was far from being hopeless. There were a series of questions on which the employee's evidence could well have been relevant. The employment tribunal had, therefore, erred in law in its approach to the exercise of its powers to stop a case after hearing only one side. As to the wrongful dismissal, the tribunal appeared to have approached the matter simply on the basis of the express terms of the contract of employment, but the contract, by incorporating the employer's disciplinary procedures, provided for dismissal for gross misconduct. Moreover, no consideration seemed to have been given to the possibility of an implied term to act honestly towards an employer paying sick pay. The finding of wrongful dismissal, on the basis on which it had been arrived at, could not be upheld.

Calderdale Metropolitan Borough Council v. Balmforth; 13 July 2000; EAT/701/99
E.A.T.: Keene J., Mrs. J. M. Matthias and Mr. D. Norman

EMPLOYMENT TRIBUNAL

An employee's complaint that his employers were in breach of his employment contract, inter alia, in relation to a disciplinary hearing, was dismissed by an employment tribunal chairman sitting alone.

LINDSAY J., dismissing an appeal by the employee, who contended that the chairman had not been impartial and he had not had a fair hearing, said that no objection had been taken at the time of the hearing to the chairman's sitting alone. It would plainly have been desirable for the employee to have been told before the hearing that the hearing was to be before a chairman alone and asked whether he objected. The lack of wisdom in questions of fact, covering the whole range of dispute between the parties, being decided by a chairman alone, without warning the parties, had been commented on in *Sogbetun v. Hackney London Borough Council* [1998] I.C.R. 1264. An experienced chairman could reasonably be expected to foresee the difficulties and might decline to hear the case alone. An inexperienced chairman should decline to embark on such a task; any chairman was entitled to decline to go further alone: section 4(5) of the Employment Tribunals Act 1996. There was, however, no error of law in the hearing being by the chairman alone: see sections 3(2)(*a*)(*b*) and 4(3)(*d*). As for an allegation that the chairman had failed to take pains to uncover the truth, attention should be drawn to section 9(1). The chairman, presumably, had pursued questions in an inquisitorial manner rather than leaving it wholly to the party-adversaries, but only to such extent that she thought appropriate. Her doing so would not represent an error of law unless it could be shown that no tribunal, properly instructing itself, could have acted as she had done, and there was no material entitling the appeal tribunal to come to any such conclusion.

Hirani v. Dome Cosmetics Ltd.; 9 June 2000; EAT/1390/98
E.A.T.: Lindsay J., Mrs. A. Gallico and Ms B. Switzer

REMEDY

An employment tribunal rejected an employee's request for reinstatement following a finding of unfair dismissal but failed to consider his application for re-engagement, contrary to sections 112 and 116 of the Employment Rights Act 1996.

NELSON J., dismissing an appeal by the employee, said that a failure to comply with section 112 (which required an employment tribunal to ask if re-engagement was wanted) was held not to render the decision a nullity in *Cowley v. Manson Timber Ltd.* [1995] I.C.R. 367. The employment tribunal had rejected reinstatement in strong terms. It was inevitable that the irreconcilable differences between the employee and the employers would have persuaded the tribunal to decline to make a re-engagement order. Whilst the tribunal had failed to follow the procedure under sections 112 and 116, their failure had caused no possibility of injustice, as it was inevitable that any tribunal would have decided that re-engagement was inappropriate.

Jedla v. Proctor & Gamble (Health & Beauty Care) Ltd.; 19 October 2000; EAT/838/98
E.A.T.: Nelson J., Mr. I. Ezekiel and Mr. R. Sanderson

REVIEW

An employment tribunal upheld an employee's complaint of unfair dismissal and adjourned the hearing on remedy. The tribunal indicated that it had misgivings about the employee's evidence, and in its extended reasons said that it felt bound to accept that evidence, as it was substantially uncontradicted, but invited the employer to make an application for review if it had evidence that would affect the tribunal's view of the reliability of the employee's evidence. The employer sought a review, indicating that it had such evidence. On the review, at which witnesses for the employer gave evidence which took the matter no further and the employee gave evidence which departed from his earlier evidence, the tribunal held that the employee's complaint failed.

MAURICE KAY J., allowing an appeal by the employee, said that, if the employment tribunal had felt in difficulty as to the matters on which and the persons from whom it had received evidence, it might have considered adjourning the matter for further evidence prior to making any decision. A review hearing could only take place pursuant to rule 11(1) of the Employment Tribunals Rules of Procedure 1993. Where a tribunal was to review a decision of its own motion, it had 14 days within which to send notice to the parties. That was not done in the present case. Accordingly, the review must have been pursuant to the employer's application and made under rule 11(1)(*d*) or (*e*). Though the employer produced witnesses at the review, the tribunal had placed no reliance on their evidence, and the existence of any evidence must have been reasonably within the employer's knowledge. It was impossible to squeeze what took place within rule 11(1)(*d*). The question, therefore, was whether rule 11(1)(*e*) applied. In *Flint v. Eastern Electricity Board* [1975] I.C.R. 395, 401–402, Phillips J. said that "paragraph (*e*) was intended to be a residuary category of case . . . but I do not think that it can embrace a case, where the application is on the ground of the desire to call fresh evidence, where it was obvious that that evidence was available and there is no additional factor to be taken into account." It was submitted on behalf of the employee that the application for review had not been for the further cross-examination of the employee but to call evidence; no meaningful evidence had been called and no jurisdictional basis for the review established. The appeal tribunal had come to the conclusion that the review hearing decision had been made without jurisdiction. Without speculating how or why the employee re-entered the witness box, the moment he did so the proceedings were not the subject of the jurisdiction of the employment tribunal. The review decision would be quashed and, there being no appeal against the original decision, the matter would be remitted for consideration of remedy.

Woods v. Lambeth Service Team Ltd.; 9 June 2000; EAT/1009/99
E.A.T.: Maurice Kay J., Mr. H. Singh and Mrs. R. A. Vickers

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